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# ROYAL COMMISSION

ON

33

# PILOTAGE

## HEARINGS

HELD AT

OTTAWA

VOLUME No.:

130-133

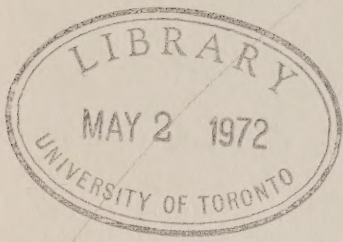
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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held  
in the Tariff Board, Ottawa,  
Ontario, on Thursday, June 4th,  
1964.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq.	Member
Harold A. Renwick, Esq.	Member

Mr. Gilbert W. Nadeau,	Secretary
------------------------	-----------

COMMISSION COUNSEL:

Mr. Maurice Jacques, Q.C.

Mr. Leopold Langlois, Q.C. for the  
Canadian Merchant Service Guild, Inc.







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1 ---On commencing at 10:00 a.m.

2 MR. JACQUES: My lord, at the request of my  
3 friend Mr. Langlois I should like to file as Exhibit  
4 1165 the notes which the Department kindly prepared  
5 for us a year or so ago giving a brief history of  
6 each district giving us preliminary information on a  
7 district. This request was made in view of the  
8 references to these notes in the questions which were  
9 asked of Captain Slocombe. Unfortunately I think  
10 there is only one copy, so if it can be available at  
11 intermission ---

12 MR. LANGLOIS: Yes.

13 ---EXHIBIT NO. 1165: Notes prepared by D.O.T. giving  
14 information on each district.

15  
16 JOHN LEWIS DANIEL MacKAY, recalled

17 DIRECT EXAMINATION BY MR. JACQUES, continued:

18 Q. Captain, would you tell the Commission  
19 what is the Puget Sound situation now? Have you  
20 reverted to the old agreement whereby you went south  
21 and ordered the ships and took over pilotage as the  
22 vessel entered the pilotage waters or do you board the  
23 vessel at Sand Head?

24 A. The Puget Sound situation as it is  
25 today is the same as it was prior to the disruption of  
26 the service in 1961.

27 Q. So things have returned to normal?

28 A. Yes, sir.

29 THE CHAIRMAN: And there is no question about  
30 those double pilotage dues for the Haro Strait?





1 THE WITNESS: It does enter into it, my lord.  
2 I might add that the B.C. coast pilots were instrumental  
3 in solving this problem, or suggesting the solution to  
4 the problem. We suggested that the American pilots be  
5 paid for ten additional miles, and the solution was  
6 soluble on those lines. I believe it is actually  
7 seven additional miles that they are being paid for,  
8 but the changeover points remain the same as they  
9 were formerly.

10 THE CHAIRMAN: It is a compromise for the  
11 25 miles as if they had gone to Sand Head?

12 THE WITNESS: No, my lord. The Sand Head  
13 part of it really does not enter into it. They had  
14 requested that they pilot the ships up to the East Point  
15 position from the actual Puget Sound area and that was  
16 where they wanted to make the turnover point.

17 MR. JACQUES, Q: The East Point?

18 A. No. It is the position east of East  
19 Point. I might say that it was the former turnover  
20 position for the vessels proceeding to the Bellingham,  
21 Anacondes and Ferndale area. They wished to make  
22 this the changeover point with the vessels going and  
23 coming from the actual Puget Sound ports.

24 Q. On Exhibit 61 would you indicate the  
25 East Point, please?

26 A. Position A in red on Exhibit 61.

27 Q. There are two positions A, one  
28 approximately altitude 48-50 and the other one  
29 approximately altitude 48-30. There were two changeover  
30 points which were referred to in the evidence of Captain







1 Gosse?

2 A. Yes, sir.

3 Q. And the changeovers take place at these  
4 two points as previously?

5 A. Yes, sir.

6 MR. LANGLOIS: How was the settlement brought  
7 about?

8 THE WITNESS: The settlement was brought  
9 about as a result of our suggesting this settlement to  
10 the local Chamber of Shipping and our local Chamber of  
11 Shipping passed it on to the American shipping interests.  
12 The pilots then met on two occasions with the Puget Sound  
13 pilots and as a result of these meetings the settlement  
14 came about.

15 MR. LANGLOIS: It was through your initiative?

16 THE WITNESS: Yes, sir.

17 MR. LANGLOIS: Was there any financial gain  
18 involved for the pilots of British Columbia?

19 THE WITNESS: No, sir, no financial gain for  
20 the B.C. pilots.

21 CAPTAIN SLOCOMBE: My lord, it will be  
22 understood, of course, that this area between the Lime  
23 Kiln -- and Captain MacKay will correct me if I am  
24 wrong -- this area between the Lime Kiln and East Point  
25 has the international boundary running along it.

26 Is this correct, Captain MacKay?

27 THE WITNESS: Yes, sir.

28 CAPTAIN SLOCOMBE: So there was a dispute as  
29 to who had the right to pilot it.

30 THE CHAIRMAN: I see.







1 CAPTAIN SLOCOMBE: And we are very glad  
2 the pilots were able to come to an agreement on this.

3 THE CHAIRMAN: Because the ship when going  
4 up ~~Harow~~ Strait was going from one side of the border  
5 line to the other side of the border line depending on  
6 the curves and depending on the bends?

7 CAPTAIN SLOCOMBE: Exactly, sir.

8 MR. JACQUES, Q: Now, Captain, do you know  
9 whether the HARRIET MARU has continued to dispense with  
10 pilots when she is going to Prince Rupert and Harriet  
11 Harbour?

12 A. It has been an on-again, off-again  
13 business to the best of my knowledge, since the Commission  
14 sat in Vancouver. She has on at least one occasion  
15 and possibly two employed the use of a pilot.

16 Q. I see. I am instructed that another  
17 MARU ship is on that run. Do you have any knowledge  
18 of that?

19 A. I had another ship into Harriet Harbour  
20 myself, but to the best of my recollection it was before  
21 the Commission sat in Vancouver.

22 Q. I see. I am instructed also that a  
23 Norwegian ship is going on that run and the name of  
24 that ship would be the KOLA MAIER?

25 A. I do not know of that one. There was  
26 a Norwegian ship in there about two weeks ago. I  
27 believe the name of that vessel was the KOLLGRIM.

28 MR. JACQUES: If the Commission wishes  
29 perhaps we would ask the Department to obtain the latest  
30 information on Harriet Harbour.





1 THE CHAIRMAN: Since we passed there, yes,  
2 for the old 1963 year.

3 MR. JACQUES: Which ships went there and  
4 whether they employed a pilot or not?

5 THE CHAIRMAN: Yes, and if this is available  
6 what would be the weather conditions, or if the conditions  
7 warranted taking pilots. It might appear somewhere.  
8 For instance the HARRIET MARU took a pilot the second  
9 and the fifth trip -- why? If it is ascertained ---  
10 Maybe Captain Eddy could say that.

11 MR. JACQUES: Captain Eddy could surely  
12 interview the pilot who piloted the HARRIET MARU in  
13 Harriet Harbour and find out perhaps why.

14 THE CHAIRMAN: No, I would not like that  
15 because it would be evidence and it is not on the  
16 record. I would like something taken from the record  
17 if it is available. If it is not ---

18 MR. JACQUES; Very well, my lord.

19 MR. LANGLOIS: By the way when the Commission  
20 sat in Vancouver I made a request that the original  
21 text of the message which had been sent to the master  
22 of the MARU in connection with this trip to Rupert  
23 be tabled. I do not think it has.

24 THE CHAIRMAN: I do not think it has. I have  
25 reviewed the exhibits lately and it is not there.

26 MR. JACQUES: We will make another request,  
27 Mr. Langlois.

28 THE CHAIRMAN: Yes. Will you make a note  
29 of that?

30 MR. JACQUES, Q: When we sat in Vancouver the







1 B.C. pilots were in the process of forming a corporation?

2 A. Yes, sir.

3 Q. Would you give us the latest  
4 developments? Has the incorporation been completed  
5 and minute books started?

6 A. Yes, sir. The incorporation has been  
7 completed as of April 1963 and the minute books have  
8 been kept in order from that date.

9 Q. Now would you supply the Commission with  
10 a list of members and their date of joining and also  
11 a list of the members of the board of directors together  
12 with the date on which they were appointed?

13 A. I would have to return to Vancouver for  
14 this information, of course.

15 Q. Oh, yes.

16 A. But I will file that information with  
17 the Commission.

18 MR. JACQUES: We may give it an exhibit number  
19 now. That will be 1166.

20 COMMISSIONER SMITH: Is this corporation  
21 along the same lines as the other corporations?

22 MR. JACQUES: We might, Mr. Smith, include a  
23 copy of the charter and a copy of the by-laws.

24 THE CHAIRMAN: The charter is already filed.

25 MR. JACQUES: The by-laws are not, if my  
26 memory serves me right.

27 Q. Would you as Exhibit 1166 give us a  
28 certified copy of the by-laws?

29 A. Yes, sir.

30 Q. A list of the members and the date on







1 which they joined?

2 A. Yes, sir.

3 Q. And a list of the members of the board  
4 of directors and the dates on which they were elected  
5 or appointed. Finally, what is the name of the  
6 corporation?

7 A. The name of the corporation is the  
8 Corporation of British Columbia Coast Pilots.

9  
10 ---EXHIBIT NO. 1166: List of members of the Corporation  
11 of British Columbia Coast Pilots  
12 together with dates of their  
13 joining, a list of the board of  
14 directors, their dates of  
15 appointment and certified copy  
16 of the by-laws.

17 MR. LANGLOIS: Do you wish the list of the  
18 present directors or those who were elected in the  
19 first year?

20 MR. JACQUES: The present directors. Would  
21 the Commission wish to have the previous list of  
22 directors?

23 THE CHAIRMAN: In this regard now are all  
24 the pilots members?

25 THE WITNESS: All the pilots are members of  
26 the corporation, yes, my lord.

27 THE CHAIRMAN: Do you still have the pilots'  
28 committee that is provided for in the by-laws?

29 THE WITNESS: Yes, my lord. The pilots'  
30 committee are also the directors of the corporation.

THE CHAIRMAN: They are the same persons?

THE WITNESS: They are the same persons,  
yes, my lord.





1 THE CHAIRMAN: Do you have two ballots to  
2 elect them or just one with the understanding that the  
3 directors of the corporation are going to be ipso  
4 facto the members of the pilots' committee?

5 THE WITNESS: The latter is the way we do  
6 it, yes, my lord.

7 THE CHAIRMAN: I see. What about  
8 administration now? Does the corporation have anything  
9 to do with the financial distribution?

10 THE WITNESS: None whatever.

11 THE CHAIRMAN: So it is still being carried  
12 out by the original superintendent. He collects the  
13 money, pays the disbursements, the expenses and makes  
14 deductions for the pension fund and then he distributes  
15 that direct to the individual pilots?

16 THE WITNESS: Yes, my lord, that is so.

17 MR. JACQUES, Q: But your corporation does  
18 not receive the money and then pay it out to the  
19 pilots?

20 A. No.

21 Q. It is paid directly by the pilotage  
22 authority?

23 A. That is correct.

24 THE CHAIRMAN: Do you still continue to have  
25 those general meetings that you had before in the  
26 corporation?

27 THE WITNESS: Yes. They follow very much  
28 the same lines. The only thing I might add is that  
29 we follow a little more closely to an agenda than we  
30 did before. It is run in a little more business like







1 manner, I would say.

2 MR. JACQUES: Is there an initiation fee or  
3 joining fee and then a yearly assessment to provide  
4 funds to the corporation?

5 A. No, sir, there is no initiation fee.  
6 We do have a small fund or club fund to which we pay  
7 \$7.50 a month, which takes care of our Guild do's and  
8 small matters like flowers or something that are sent  
9 out on different occasions.

10 Q. That is paid to the corporation by each  
11 pilot?

12 A. That is correct, yes.

13 Q. And the corporation has no other funds?

14 A. The corporation has no other funds at  
15 all.

16 Q. It just operates on just \$7.50 a month  
17 per pilot?

18 A. That is correct, yes.

19 THE CHAIRMAN: So with regard to this fund  
20 it is exactly as it was before also? This fund was  
21 existing before and you used<sup>it</sup> for the same purpose --  
22 for the Guild use, for flowers, tributes and so on?

23 THE WITNESS: Yes, my lord.

24 THE CHAIRMAN: So there is not much change  
25 except that it is more legal, more organized?

26 THE WITNESS: That is so, my lord.

27 MR. JACQUES, Q: What about a pension fund?  
28 When we were in Vancouver there was a vote, or there  
29 was a vote being taken to change the administration of  
30 the pension fund. Would you keep us posted on that





1 and let us know?

2 A. Yes. Possibly I could just read a  
3 paragraph from a letter here which covers the pension  
4 fund to date.

5 Q. Yes, please.

6 A. That reads as follows:

7 "The pilots requested and  
8 received permission from the  
9 Minister of Transport that our  
10 pension plan be turned over to  
11 Investors Trust Company."

12 Permission was received from the Honourable  
13 George J. McIlraith, then Minister of Transport, in  
14 a letter dated June 28th, 1963. This pension plan  
15 has not been turned over to date and the answer we  
16 received to our inquiries is that it is in the hands  
17 of the Justice Department.

18 MR. JACQUES: I see.

19 MR. LANGLOIS: Do you know the reason for the  
20 delay in the Justice Department? Have you been  
21 acquainted with that?

22 THE WITNESS: No, sir.

23 MR. JACQUES, Q: What is the date of that  
24 letter?

25 MR. LANGLOIS: It is a letter addressed to  
26 me dated April 27th,

27 MR. JACQUES: April 27th, 1964?

28 MR. LANGLOIS: 1964.

29 MR. JACQUES, Q: And the date of the letter  
30 advising you that the Department agrees to the change-







1 over; do you recall the date of that letter?

2 A. The date of the letter from the Minister  
3 of Transport?

4 Q. Yes.

5 A. Was the 28th June, 1963.

6 MR. JACQUES: Thank you.

7 MR. LANGLOIS: Almost a year.

8 MR. JACQUES, Q: Have you written since  
9 April of this year to the Department to find out if  
10 it was holding the turnover?

11 A. No, sir, not since April of this year.  
12 We have had discussions with Captain Jones on this while  
13 he was in Vancouver recently.

14 Q. What was the result of the discussions?

15 A. Captain Jones informed us that the  
16 pension plan was still in the hands of the Justice  
17 Department.

18 Q. He did not give any reason why it was  
19 being held up, as it were?

20 A. No definite reason, no.

21 CAPTAIN SLOCOMBE: No, my lord. Captain Jones  
22 will be talking about pensions in the box later on and  
23 he will explain further on this point.

24 MR. JACQUES: I have no more questions for  
25 the witness, my lord.

26 THE CHAIRMAN: With regard to the ships  
27 coming from Puget Sound and also from California  
28 ports, for which you have an agreement, where do they  
29 go generally?

30 THE WITNESS: The ships from Puget Sound





1 ports generally go to Vancouver. I would say that  
2 90 per cent of them go to Vancouver.

3 THE CHAIRMAN: Vancouver, not northern trips?

4 THE WITNESS: No, they are local trips.

5 THE CHAIRMAN: What about the California  
6 Shipping and the other company?

7 THE WITNESS: The ships from California are  
8 all northern trips, my lord, and they go to west coast,  
9 to Vancouver Island ports as well as the northern ports  
10 of our district.

11 COMMISSIONER RENWICK: Mainly tankers, are  
12 they not?

13 THE WITNESS: Mainly tankers, yes.

14 THE CHAIRMAN: Do they employ two pilots?

15 THE WITNESS: No, my lord. The ports that  
16 they go into are Port Alice, Ocean Falls and Port  
17 Edward.

18 THE CHAIRMAN: Oh, I see, so in fact it is  
19 not a long trip?

20 THE WITNESS: No, that is right, that is  
21 correct.

22 THE CHAIRMAN: Not a long pilotage trip, I  
23 mean?

24 THE WITNESS: That is correct, my lord.

25 THE CHAIRMAN: It is much below the 8-hour  
26 requirement?

27 THE WITNESS: Yes, my lord.

28 MR. LANGLOIS: What is your present overload?  
29 How has it changed since last year?

30 THE WITNESS: The pilots are still in our







1 opinion working too hard. Our overload is still very  
2 heavy.

3 MR. LANGLOIS: Have you made any recent  
4 requests for additional pilots?

5 THE WITNESS: We have approached the Chamber  
6 of Shipping for an increase to enable us to put on  
7 additional pilots. We are still of the opinion that  
8 seven pilots should be added to the roster with an  
9 increase in rates to cover them to reduce our work.

10 MR. LANGLOIS: What has been the reaction  
11 from the Chamber of Shipping, if any?

12 THE WITNESS: We were successful in getting  
13 a slight increase in our ship rates, but we have not  
14 been successful in getting anything further. The  
15 actual increase in the ship rates amounted to 6-10ths  
16 of one per cent of the revenue for the district.

17 MR. LANGLOIS: Have these figures been taken  
18 up with Ottawa?

19 THE WITNESS: No, we have not approached  
20 Ottawa for an increase in rates to cover the additional  
21 men.

22

23 --

24

25 --

26

27

28 --

29

30





1 MR. JACQUES, Q: You are still negotiating  
2 with the Vancouver Chamber of Shipping?

3 A. Yes.

4 THE CHAIRMAN: Do you recall last<sup>year</sup>/there was  
5 a ruling filed by the Attorney General of the State of  
6 Washington with regard to the Haro Strait in the  
7 national situation?

8 THE WITNESS: Yes, my lord.

9 THE CHAIRMAN: Have you heard anything more  
10 about that or is this still on the statute books?

11 THE WITNESS: I believe it is still on the  
12 statute books.

13 THE CHAIRMAN: There is no change whatsoever?

14 THE WITNESS: There was no change whatsoever  
15 to my knowledge, my lord.

16 THE CHAIRMAN: And so they have not tried  
17 to enforce it?

18 THE WITNESS: No.

19 THE CHAIRMAN: It is only a legal problem  
20 that could bring about some difficulties at times but  
21 there is nothing now.

22 THE WITNESS: Apparently. I might add to  
23 that, my lord, as far as the Puget Sound situation is  
24 concerned it looks like it will be settled for some  
25 time as the Puget Sound pilots have signed a three year  
26 agreement for their present system down there.

27 THE CHAIRMAN: They are the only interested  
28 parties, of course.

29 THE WITNESS: Yes, my lord.

30 THE CHAIRMAN: They are the ones that could







1 lay charges because you infringed their waters?

2 THE WITNESS: Yes, my lord.

3 COMMISSIONER RENWICK: With reference to  
4 strength, are you still up to the same strength,  
5 sixty-six?

6 THE WITNESS: No, sir. We have increased our  
7 number to 70 due to the pressure of shipping, with no  
8 increase in earnings to cover these additional men.

9 MR. LANGLOIS: Where are those based, those  
10 seventy pilots?

11 THE WITNESS: The situation as it stands  
12 today is 40 Vancouver based, 26 Victoria based and four  
13 Nanaimo based.

14 THE CHAIRMAN: Four only in Nanaimo?

15 THE WITNESS: Yes, my lord.

16 THE CHAIRMAN: And you had seven before?

17 THE WITNESS: Six.

18 THE CHAIRMAN: So you have displaced some.

19 THE WITNESS: We have reduced the number by  
20 two and we are watching this closely to see how it  
21 works out and if necessary we may put another man or  
22 two men back in there.

23 MR. LANGLOIS: What is the situation concerning  
24 the traffic to northern ports? Is it on the increase?

25 THE WITNESS: Yes, sir. We find that traffic  
26 in the northern part of our district has increased  
27 considerably in recent years.

28 COMMISSIONER SMITH: Captain, what, if anything,  
29 has been the increase in the very large type of ships.  
30 I am thinking of the bridge aft mainly or other super





1 tankers or large types of craft. What has been the  
2 increase if any?

3 THE WITNESS: Well, the trend is, of course,  
4 for these larger ships. We are getting many bulk  
5 carriers into our district now for grain and other bulk  
6 products. I would hesitate to say what the percentage  
7 would be but there are many of these ships coming in  
8 now. They are very large ships and a great number of  
9 bridge aft ships.

10 COMMISSIONER SMITH: Increasing all the  
11 time.

12 THE WITNESS: Yes, sir, it is increasing.

13 MR. JACQUES, Q: Tell me, we have had  
14 conflicting evidence on the trend in ship building.  
15 We were told the trend was towards an increase in size  
16 in all types of vessels and we are told that there was  
17 an increase in size only in the bulk cargo; whilst in  
18 the general cargo package freight, there was no  
19 increase in size of vessel?

20 A. Well, sir, in my experience I would say  
21 that the general cargo ship has increased slightly but  
22 certainly not to the extent that the bulk cargo ships  
23 have.

24 THE CHAIRMAN: With regard to these big bulk  
25 cargo ships, are they a little better than they were  
26 before as to manoeuvrability? I understand, for  
27 instance, that the big tankers are turbined and with  
28 only one screw, a single screw and they are very  
29 difficult to manoeuvre. They need speed and so on.  
30 They are not very good for manoeuvring. What about







1 the others? Are they about the same type?

2 THE WITNESS: Many of the carrier ships are  
3 motor ships, bulk carriers and they are easier to handle  
4 than the turbine type but they still are single crew  
5 and for that reason are still awkward in confined spaces.

6 MR. LANGLOIS: Would you mind, Captain MacKay,  
7 bringing the Commission up to date on the use of radio  
8 telephone sets in Vancouver Harbour.

9 THE WITNESS: The radio telephone as we have  
10 for our use in Vancouver Harbour are six in number and  
11 they are of the type that are required to be carried  
12 in a pack and slung over the shoulder. I believe they  
13 weigh approximately 15 pounds. These in my opinion  
14 are nowhere near adequate in number to begin with and  
15 the size and weight of them is not suitable at all to  
16 our district. We feel that all our pilots should be  
17 equipped with pocket sized portable radios. We have  
18 investigated this matter and we have found a set that  
19 is suitable to our use. We feel that to keep our  
20 district up to date and operating it efficiently that  
21 our pilots should be equipped with these sets.

22 THE CHAIRMAN: Do you know how much they are  
23 worth?

24 THE WITNESS: Yes, my lord. I understand they  
25 are worth slightly over \$1,000.00 per set.

26 COMMISSIONER SMITH: What is the name of this  
27 set?

28 THE WITNESS: Motorola.

29 THE CHAIRMAN: We have seen them in operation  
30 in Port Cartier or one of those places.





1 MR. JACQUES: Port Cartier and Baie Comeau,  
2 my lord.

3 THE CHAIRMAN: They are very efficient.

4 THE WITNESS: Yes, we have found them so, my  
5 lord.

6 THE CHAIRMAN: But the price is rather  
7 prohibitive.

8 THE WITNESS: Yes, it is exorbitant..

9 THE CHAIRMAN: So therefore the sets you have  
10 are the same sets we saw when we were there?

11 THE WITNESS: Yes, my lord.

12 MR. JACQUES, Q: What is the range of the set  
13 to which you refer?

14 A. The pocket size portable?

15 Q. Yes.

16 A. I understand that the range is five miles.  
17 We also understand they have operated them successfully  
18 over a 20 mile range.

19 THE CHAIRMAN: Over the water?

20 THE WITNESS: Yes, my lord.

21 THE CHAIRMAN: Any further questions?

22 MR. LANGLOIS: Was there not, captain, an  
23 accident or collision which occurred in the Vancouver  
24 harbour over the last six months? Would you tell us  
25 about this collision and what happened and how this  
26 collision could have been avoided.

27 THE WITNESS: Yes, sir. This collision occurred  
28 in Vancouver Harbour between an inbound vessel and an  
29 outbound vessel. The outbound vessel was fully  
30 loaded and after clearing the dock proceeded in the







1 direction of the first narrows. He noticed the inbound  
2 ship and apparently the inbound ship did not see the  
3 outbound one due to the shore lights in the background.

4 Apparently they got in quite close and when  
5 the outbound vessel saw that the inbound vessel was  
6 not aware of his presence, his blew signals to indicate  
7 that he was there. But they were too close and a  
8 collision occurred.

9 We feel that this could have been avoided if  
10 the pilots had been equipped with these radio telephones.

11 MR. JACQUES, Q: We have had it mentioned to  
12 us several times about the confusion of ship lights and  
13 shore lights.

14 A. Yes.

15 Q. Do you sometimes think  
16 that a system of traffic control, coupled with the use  
17 of a radio telephone on board a vessel, of course, would  
18 eliminate these things?

19 A. We feel that just the fact that the  
20 pilots having these portable radios would eliminate  
21 this. We do not believe that we would have to set up  
22 a system of traffic control by some other outside  
23 authority. We feel the pilots could handle this  
24 themselves if they were equipped with portable radios.

25 Q. That would be valid only for ships with  
26 pilots?

27 A. Yes, sir.

28 THE CHAIRMAN: What was the reason for the  
29 absence of visibility that night? Was it at night?

30 THE WITNESS: It was an exceptionally clear





1 night so the lights from the distance appeared to be  
2 close up and all the shore lights were showing up very  
3 brightly.

4 MR. LANGLOIS: It was against this background  
5 of shore lights that the lights of the ship could not  
6 be seen?

7 THE WITNESS: Yes, sir.

8 MR. LANGLOIS: Is there any kind of traffic  
9 control by the National Harbour Board in Vancouver  
10 Harbour?

11 THE WITNESS: No, sir, not traffic control.  
12 We have a signal operator on the first narrows bridge  
13 and they will advise of traffic in the area. They do  
14 not attempt to control traffic in any way.

15 MR. LANGLOIS: Do you not have to report before  
16 you made a move out of the harbour?

17 THE WITNESS: If we are equipped with radio  
18 telephone we advise the narrows of our movement, the  
19 narrows bridge of our movement but it is not  
20 compulsory.

21 THE CHAIRMAN: Coming back to the safe  
22 fishing and navigation system that was introduced about  
23 five or six years ago and was tried for about a year  
24 and not followed through, have you heard of any  
25 casualties which have happened lately where a fisherman's  
26 vessel would have been run over by a ship.

27 THE WITNESS: no, my lord, in the areas that  
28 have been defined as channels for vessels to proceed  
29 through, not in those areas.

30 THE CHAIRMAN: No, I don't think it was in







1 your waters either.

2 THE WITNESS: No, sir.

3 THE CHAIRMAN: Any further questions?

4 MR. LANGLOIS: No, my lord.

5 THE CHAIRMAN: Thank you very much, captain.

6 You have brought us up to date and we appreciate that.

7

CAPTAIN D.R. JONES, sworn.

8

9 DIRECT EXAMINATION BY MR. JACQUES:

10 Q. Captain Jones, would you explain the  
11 annual contribution to the pension fund in the amount  
12 of \$1,476.00 made under Section 12 and Section 38A of  
13 the B.C. by-laws.

14 A. This provision relates ---

15 Q. For the record, would you read the  
16 relevant sections of the by-law, please, section 12  
17 and 38A.

18 THE CHAIRMAN: Would you also read section  
19 12.

20 THE WITNESS: Section 12 as amended by  
21 P.C. 1961-1183 of August 16th, 1961 provides as  
22 follows:

23 "Where an average annual  
24 contribution made by each pilot  
25 to the pilotage fund is as  
26 determined at the end of each  
27 three year period exceeds or  
28 is less than \$1,476.00 by an  
29 amount that is in the opinion  
30 of the authority abnormal, the





1 authority may cause an actuarial  
2 investigation to be made of the  
3 pilotage fund."

4 The purpose of this provision relates to  
5 the time when benefits were stipulated in a fixed  
6 amount without gross relationship to the amount of  
7 contribution. For this reason it was necessary to  
8 put in a provision of this sort to ensure that if  
9 contributions fell quite significantly corrective  
10 action, remedial action might be taken rather  
11 promptly.

12 In British Columbia this clause is not really  
13 operative now for we have moved on to a colloquial  
14 term "a money purchase system". By that expression is  
15 meant a system by which contributions made in any  
16 given year are converted into an annuity according to  
17 the amount. There is a calculation made and we find  
18 how much annuity is purchased according to the amount  
19 of actual contribution.

20 For this reason there can be no imbalance  
21 as safeguarded and as referred to here in this minimum  
22 provision.

23 In other words, the contributions that each  
24 pilot's fund receives is computed arithmetically from  
25 the amount of actual contribution.

26 MR. JACQUES, Q: Each year?

27 A. Each year.

28 Q. And it is added on to the previous year?

29 A. Yes, sir, so there is no occasion --

30 it doesn't get out of balance in the way that was







1 envisaged and to which this was directed and the reason  
2 why this has not been corrected is that we had the  
3 by-law, the amendment ready and about that time a  
4 request was made by the B.C. pilots to transfer the  
5 custody of this plan, as you have heard from the  
6 earlier witnesses, to the Investors Trust Company and  
7 a reply was written indicating the Minister had  
8 acceded to this request in principle and in October the  
9 instrument was furnished us and turned over to our  
10 law officers for their views and this is the state of  
11 affairs at the present time. We have not had the  
12 matter completed.

13 Q. You do not hold what is holding it up  
14 in the lawyer's office?

15 A. Not precisely except to say that quite  
16 recently we got a letter from the Department of Justice,  
17 our law officers thought it desirable because of the  
18 number of questions, of legal question, that were  
19 posed in this transfer to consult the Department of  
20 Justice.

21 Last week they asked some questions, some  
22 further facts they wanted enlightened on so they may  
23 consider the matter further. We have furnished them  
24 with replies to those questions. We are now waiting  
25 for ---

26 THE CHAIRMAN: This is on account of the  
27 prior rights of those who had contributed before and  
28 were the responsibility of government.

29 THE WITNESS: Yes, sir.

30 THE CHAIRMAN: On account of the law and it





1 is at that stage.

2 THE WITNESS: Yes, my lord.

3 THE CHAIRMAN: Now, this \$1,476.00 that is  
4 mentioned there, that was necessary to keep the fund  
5 actuarially sound.

6 THE WITNESS: Yes; I may say we realize there  
7 is no arithmetical connection, or was no arithmetical  
8 connection, between the amount of the contributions  
9 and the benefits being attained. The benefits were  
10 stipulated to be \$100.00 per year service and so on,  
11 and for that reason it might easily be that in any  
12 given year the contributions were insufficient to  
13 provide actuarial funds to meet these future payments,  
14 and so this remedy is provided here as a safeguard  
15 in the event of such inadequate contributions.

16 THE CHAIRMAN: So what was meant by an  
17 actuarial investigation was just a readjustment?

18 THE WITNESS: Yes; but I may say that we  
19 asked the Department of Insurance, who have professional  
20 actuaries, to do the computation.

21 THE CHAIRMAN: It was more a reappraisal of  
22 the situation?

23 THE WITNESS: Yes. They viewed the  
24 mortality experience and they depended on one of the  
25 established mortality tables. The A.F. & M. is the  
26 table.

27 COMMISSIONER SMITH: In Vancouver a question  
28 was asked of Captain Gosse in connection with what  
29 his pension would amount to if he retired then -- that  
30 is a year ago -- and what his pension would be under





1 the new scheme in the changeover, or whatever it was,  
2 and his answer was that if he retired under the present  
3 plan he would receive a month and under the new plan  
4 \$300.00 a month -- an increase of one-third. I am  
5 unable to understand just ---

6 THE WITNESS: Well, as is customary with  
7 actuaries, they are conservative and particularly so  
8 are ours. These funds, for the number of people assured  
9 under the funds, are quite small, and for this reason  
10 the statistical mortality can easily be very much  
11 disturbed by the death, unexpectedly, of two or three  
12 people; and perhaps this explains the ultra-caution  
13 with which our actuaries compute the benefits to be  
14 paid.

15 However, I might say, with respect to the  
16 pension that any given man now will receive, that this  
17 depends upon the contributions made each year which  
18 are added to the balance of the previous year, and  
19 depend, of course, on the amount of contributions.  
20 Formerly this was not the case. There was a  
21 stipulation of so many dollars per year of service, and  
22 for that reason, of course, the fund could at that time  
23 get a surplus amount available to it, or it could be  
24 in deficit; and, similarly, there were other causes  
25 for deficits and surpluses such as the revaluation of  
26 the fund on a new interest rate, and we have done this  
27 in some places with very great benefits to the fund.

28 COMMISSIONER SMITH: What struck me about it  
29 was the large increase of a third in the new scheme over  
30 the previous one.







1 THE WITNESS: I take it you are referring to  
2 the scheme offered by the Investors Trust?

3 COMMISSIONER SMITH: I don't know what scheme  
4 it was; he spoke about the old scheme and the new  
5 scheme -- what he would receive under the old one and  
6 what he would be entitled to under the new scheme.

7 THE WITNESS: Well, I haven't the benefits that  
8 the trust company were prepared to pay, but I can  
9 consult our records and show what Captain Gosse's  
10 pension benefits would be under our scheme.

11 MR. LANGLOIS: Do you know what Mrs. Gosse  
12 is getting now in the way of a pension?

13 THE WITNESS: Without looking it up I wouldn't  
14 be prepared to say.

15 MR. LANGLOIS: I am instructed it is \$75.00  
16 a month.

17 THE WITNESS: Yes.

18 THE CHAIRMAN: He was supposed to receive  
19 about \$300.00 a month for him. I suppose his widow --  
20 I don't know whether ---

21 THE WITNESS: The provision that will apply to  
22 her for the next scheme isn't yet in effect, but it  
23 would be a half, I think. I would have to look this  
24 up, but I think it would be a half.

25 MR. LANGLOIS: It would be around \$3300.00 a  
26 year.

27 THE WITNESS: I will look this up. That sounds  
28 right, but I am afraid I couldn't be sure.

29 THE CHAIRMAN: Now, in your system of buying  
30 annuities, the annuities you buy are government





1 annuities?

2 THE WITNESS: Our investments are limited to  
3 certain classes such as government guaranteed bonds;  
4 essentially this is what they are; either provincial  
5 government, or hydro, or ---

6 THE CHAIRMAN: Well, now, every year, with  
7 the amount contributed by the pilot, he is entitled to  
8 an annuity for that, isn't he?

9 THE WITNESS: Yes.

10 THE CHAIRMAN: You don't buy bonds; you buy  
11 annuities?

12 THE WITNESS: No, my lord. Our investment  
13 policy has never changed under the competition. The  
14 investments are made jointly by the Department of  
15 Finance and our Department within the class of  
16 securities we are permitted to invest in.

17 THE CHAIRMAN: And the payments are, of  
18 course, at the end when he retires?

19 THE WITNESS: The payment to the pensioner  
20 is in the form of an annuity, but the investment folio  
21 is bonds of various sorts, depending on what is  
22 thought to be wise and prudent to buy at the time.

23 I may say that these purchases are made  
24 having regard to the state of the fund and the outgo  
25 at the time, and in most of these districts, with  
26 the notable exception of Halifax, the income is greater  
27 than the outgo, so that moneys received, as soon as  
28 they are sufficiently large in amount, we purchase  
29 bonds with them by the month, whatever the surplus  
30 is sufficiently large to warrant.







1 MR. JACQUES: Q: ~~can~~ In other words, it is  
2 as though you were in the market selling annuities to  
3 the pilots?

4 A. Yes.

5 Q. And investing the money which you draw  
6 from the pilots?

7 A. Yes, it may be regarded that way. The  
8 folio is made up of bonds purchased as soon as sufficient  
9 cash is there to do this, and this may, in B.C., be  
10 almost monthly, and these form the folio of  
11 investments, and in due course the pilot will retire  
12 and receive payment out of this; but as I remarked,  
13 the income is greater than the outgo, so we don't  
14 have to sell any of these bonds ---

15 Q. What I meant was that you proceed as  
16 though you were a company selling an annuity to the  
17 pilot?

18 A. Yes, in a sense this is true. May I  
19 say that, the income being in excess of the disbursements,  
20 we are continually investing more and more of the  
21 funds available in bonds and other securities. If,  
22 on the other hand, the matter was static and the  
23 outgo was greater from time to time, then we would have  
24 to sell one or more bonds to provide ourselves with  
25 liquid assets to meet the disbursement. This is the  
26 case, for example, in Halifax, where the outgo is  
27 greater than the income.

28 CAPTAIN SLOCOMBE: There may be a little  
29 confusion in terms here. We do not buy an annuity for  
30 a pilot.





1 THE WITNESS: No; because the fund is there  
2 and the term "annuity" is being used in terms of a  
3 pension.

4 MR. JACQUES, Q: As though you were a  
5 company selling an annuity to the pilot? He makes  
6 the same calculations and he has to give you so many  
7 dollars each year, and that will mean that on retirement  
8 he has so many dollars a month?

9 A. Yes.

10 Q. That is what you would do every year, or  
11 did every year?

12 A. Yes, exactly.

13 MR. JACQUES: Are there any more questions  
14 on pensions?

15 Q. There was a question of boarding off  
16 charges which were not included in the by-laws and yet  
17 charged to the vessel, and by "boarding off charge" I  
18 mean the special charge made to the vessel when the  
19 pilot gets off at an unrecognized boarding off station.

20 A. Yes; I may say that this is one item  
21 which is not in effect now, although it was agreed upon  
22 some little while ago in Vancouver between the shipping  
23 representatives and the pilots' representatives; and  
24 at the same time there were a large number of other  
25 items which were agreed upon; and the other items were  
26 put into force immediately on a, shall I say,  
27 gentlemen's agreement basis; there was no legal proof,  
28 or anything; we are proceeding with these now; but  
29 in this particular instance we wrote and informed the  
30 pilots that we were not proposing to put this particular





1 one in force, and this has not yet been done.

2 Q. And why wouldn't this be put in force?

3 A. Well, I must confess I am not too sure  
4 about this, because I don't know why we should have  
5 taken exception to this particular one. The pilots  
6 spoke to me about this yesterday and I said I would  
7 look the matter up. But I really must confess I just  
8 don't know.

9 Q. Would you look it up?

10 A. Yes, certainly. It seemed odd to me  
11 that we should have taken exception to this one sole  
12 item against quite a number of other items which were  
13 not essentially different in any particular way.

14 However, I have no doubt we had a reason at  
15 the time.

16 Q. But the charge is being made?

17 A. No, the charge is not being made. The  
18 basis of the charge has not been moved from the  
19 provision in the by-law; and inasmuch as this new  
20 charge is somewhat to the advantage of the pilots,  
21 very naturally they wished it to be put into force  
22 as soon as possible.

23 Q. But the boarding off charge is not  
24 made?

25 A. The boarding off charge is not being  
26 made at the present time.

27 THE CHAIRMAN: We had it to the contrary  
28 effect, that it is being made.

29 MR. LANGLOIS: Detention is not, but boarding  
30 off is.







1 THE CHAIRMAN: That is the evidence we had  
2 elsewhere.

3 THE WITNESS: Well, I am afraid I am talking  
4 at cross purposes. I am referring to the charge of  
5 three hours for detention.

6 MR. LANGLOIS: That is detention.

7 THE WITNESS: And this charge is not being  
8 made.

9 MR. LANGLOIS: You are quite right.

10 THE CHAIRMAN: The procedure they are  
11 following now is to charge the full bill if they were  
12 going to Cape Beale but they were disembarking at  
13 the northern tip of Vancouver Island; they are not  
14 out of pocket on account of the service they are  
15 giving to the ship.

16 MR. LANGLOIS: That is the boarding off  
17 charge.

18 THE WITNESS: The charge I was referring to  
19 was the three hours. This is not in force yet.

20 MR. LANGLOIS: You are quite right.

21 THE WITNESS: I am sorry.

22 MR. JACQUES, Q: Have you had an opportunity  
23 to look at and study Exhibit 98 ---

24 THE CHAIRMAN: Before you go any further,  
25 while reviewing the by-laws, are you going to include  
26 some provision with respect to those boarding off  
27 cases at other places than the optional boarding  
28 off stations, because I understand that when it is  
29 convenient to shipping they may board off the pilot  
30 almost anywhere, by agreement?





1 THE WITNESS: Well, this provision of the  
2 \$36.30 takes care of that in the sense of reimbursing  
3 the pilots, I gather.

4 Is that the point you are making?

5 THE CHAIRMAN: Well, he could request to be  
6 disembarked at the pilot station?

7 THE WITNESS: Yes.

8 THE CHAIRMAN: But instead of doing so they  
9 could say "Well, we are passing near the land at  
10 such a place. You could disembark there," and they  
11 would provide transportation back; and if he had  
12 stayed aboard he would have earned so much more? I  
13 think this is the situation, isn't it? I don't think  
14 it is legal now?

15 THE WITNESS: No, your lordship; not only is  
16 it not legal but also another aspect comes up and that  
17 is in the event of a vessel getting into trouble  
18 subsequent to the pilot disembarking but still in  
19 pilotage waters, and this is a possibility which,  
20 fortunately, has not occurred, but it could.

21 THE CHAIRMAN: To that the answer was that  
22 the course from there generally was simple and the  
23 pilot, if the weather was fair, would tell the captain  
24 "Well, take this course and that course", and that was  
25 all.

26 THE WITNESS: Well, the other aspect of this  
27 we felt that covered the matter to some extent was  
28 that this was a voluntary action on the part of the  
29 master, inasmuch as he had allowed the pilot to go;  
30 and it is not compulsory pilotage, and merely







1 compulsory payment of pilotage dues. This was a free  
2 action the results of which were at his own doorstep.

3 MR. JACQUES, Q: In any case the master  
4 can always tell the pilot "Go down to my cabin and  
5 stay there"?

6 A. Yes; this is the same point, really.

7 Q. Have you had time to consult Exhibit  
8 98 on the LECHSTEIN, in order to explain the detention  
9 and movage charges?

10 THE CHAIRMAN: The difference between gross  
11 tonnage and net tonnage.

12 CAPTAIN SLOCOMBE: I will explain that one.

13 MR. JACQUES: That is question 15 of your  
14 lordship's questions.

15 THE WITNESS: You do have detention due to  
16 fog. Maybe Captain Jones can explain that one.

17 CAPTAIN JONES: There are two items. We  
18 considered the source form, which one was the tonnage  
19 that was recorded here, and may I mention this first,  
20 your lordship, that according to our records the  
21 tonnage shown is the actual tonnage of the ship.

22 THE CHAIRMAN: Shown in the index?

23 THE WITNESS: In Lloyd's register.

24 MR. JACQUES, Q: Which edition.---

25 A. Well, the tonnage as stated on the source  
26 forms has been in existence for a number of years --  
27 well, certainly, for three or four years, if not four  
28 or five years -- but the vessel apparently did have  
29 some other tonnage prior to that time, my lord. I  
30 may say that it appears that these lists are in error.





1 Q. Which list -- the list annexed to the  
2 source form?

3 A. Yes.

4 Q. In Exhibit 98?

5 A. Yes.

6 Q. On this list the LECHSTEIN is shown as  
7 being 5347 gross and 3139 net, and on the source form  
8 it is shown as 3660 gross and 1884 net. Now, would  
9 you tell us what tonnage is shown on Lloyd's Register,  
10 and since when?

11 CAPTAIN SLOCOMBE: That (indicating) is the  
12 CUXHAVEN one.

13 THE WITNESS: Here we are, my lord ---

14 MR. JACQUES, Q: Just for the record, the  
15 tonnage is given here is for the LECHSTEIN and not  
16 the CUXHAVEN. The CUXHAVEN tonnages, according to  
17 Lloyd's Shipping Index, similar to the source form,  
18 is 9392 gross and 5616 net; and in the source form it is  
19 6507 gross and 3778 net.

20 THE WITNESS: In the case of the LECHSTEIN  
21 the tonnage as shown on the source form, namely, gross  
22 3660 and net 1884, is the same as that appearing in  
23 the Lloyd's register editions for 1960-61, 1961-62,  
24 1962-63 and 1963-64.

25

26 --

27

28 --

29

30 --





1 It appears that prior to 1959 to 1960 this  
2 earlier tonnage was in effect, but with respect to the  
3 ---

4 MR. JACQUES, Q: The earlier tonnage? You  
5 mean, the tonnage as shown on Lloyd's Shipping Index  
6 dated March 10th, 1961?

7 THE CHAIRMAN: The bigger one?

8 THE WITNESS: Yes, sir. With respect to  
9 the second vessel, the CUXHAVEN, the tonnages are  
10 shown on the source forms of 6507 gross and 3778 net.  
11 Those appearing in Lloyd's Register of 1958 -- and  
12 perhaps I can just curtail it to 1963 and 64 inclusive;  
13 in other words for six years, six editions, the last  
14 six annual editions show the tonnages as shown in the  
15 source forms.

16 THE CHAIRMAN: So in other words the tonnages  
17 quoted in the source forms were correct?

18 THE WITNESS: Yes, sir; we have every ground  
19 for believing so.

20 MR. JACQUES, Q: And the tonnages shown in  
21 Lloyd's Shipping Index, which is a monthly publication,  
22 or yearly publication, are not correct?

23 THE CHAIRMAN: Are not correct?

24 THE WITNESS: Yes.

25 THE CHAIRMAN: They are not in accordance  
26 with the Lloyd's Register?

27 MR. JACQUES: Exactly, my lord. Instead of  
28 saying they are not correct we should say they are not  
29 in accordance with the Lloyd's Register.

30 CAPTAIN SLOCOMBE: I am told this morning, my







1 lord, that the Lloyd's Shipping Index no longer publishes  
2 those tonnages in that way unless there happen to be  
3 two vessels of the same name, in which case they put  
4 the tonnage in to differentiate between them.

5 MR. JACQUES, Q: Would you explain the  
6 charges, detention and movages for the LECHSTEIN?

7 A. The movage charge for the vessel -- it  
8 appeared it anchored in dense fog and a charge was made  
9 in accordance with the custom -- and in our opinion  
10 correctly -- for the duration of time that the vessel  
11 was detained and stopped in dense fog.

12 Q. That would be the detention charge of  
13 \$36.30?

14 A. Yes, \$36.30 was the amount charged.

15 Q. And the movage?

16 A. The movage; the vessel moved after some  
17 interval of time and the proper charge of \$30.25 was  
18 made.

19 Perhaps I should explain here, your honour,  
20 that this freuently occurs. A vessel comes into the  
21 harbour rather early in the morning and has to wait  
22 for some considerable time. The alternative to  
23 incurring this charge would be to disembark the pilot,  
24 but this would be just as expensive in boat hiring as  
25 to pay the additional charge incurred by detaining the  
26 pilot there and then later on moving into the berth  
27 under a new charge.

28 First of all the charge is incorrectly made  
29 and secondly the alternative is not any more favourable  
30 than the present charge.





1 THE CHAIRMAN: So there is a difference of an  
2 anchorage made outside a harbour and the one made inside  
3 a harbour? Let us say for instance half way through  
4 the Douglas Channel the ship is obliged to go to  
5 anchor and she does. Would that be a movage after  
6 that, or ---

7 THE WITNESS: No, sir, that would not normally  
8 involve a movage. The voyage would be resumed.

9 THE CHAIRMAN: Resumed, so there would be  
10 the detention and then there would not be any new  
11 pilotage charge? It would be the same voyage?

12 MR. JACQUES: There would be no detention,  
13 my lord, for stress of weather.

14 THE CHAIRMAN: In this case it was fog, so  
15 it was stress of weather. And there was a movage.  
16 The pilotage voyage was supposed to be finished, but  
17 on account of the stress of weather --- That is why  
18 I questioned that. I wanted to have some information.  
19 So two charges are made there where normally if the  
20 anchorage was outside of the harbour there would have  
21 been only one charge. Would that not be right? Am  
22 I wrong?

23 CAPTAIN SLOCOMBE: There is a little difference  
24 in the by-law of the British Columbia district from  
25 some other districts. This detention clause does not  
26 accept stress of weather. The by-law says, in by-law  
27 6, paragraph (1):

28 "When a pilot is detained  
29 beyond one hour by a vessel at any  
30 port or when outside pilotage



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1 waters between ports in the  
2 district he shall be paid the  
3 detention allowance of \$6.05  
4 for each hour or part thereof,  
5 but the aggregate amount paid  
6 shall not exceed \$36.30 for  
7 each calendar day that the  
8 pilot is detained."

9 This "except for stress of weather" is not in  
10 this by-law.

11 THE CHAIRMAN: That is all right, thank you.

12 MR. JACQUES: Thank you, Captain Jones.

13 ---The witness withdrew.

14

15 CAPTAIN SLOCOMBE, recalled

16 DIRECT EXAMINATION BY MR. JACQUES, continued:

17 Q. Captain Slocombe, among the questions  
18 which were circulated there was question 22, which we  
19 left aside yesterday. The question reads as follows:

20 "Explain the various decisions  
21 taken with respect to pilotage  
22 matters as outlined in D.O.T. memo  
23 to the Commission."

24 This memo has been filed as Exhibit 1165.

25 I should like you to glance at it and tell me whether  
26 this question has been answered in your previous  
27 evidence?

28 MR. LANGLOIS: My lord, before this question  
29 is asked may I ask Captain Slocombe if he is taking  
30 responsibility for these notes now?





1 THE WITNESS: Yes, I think so, sir. When  
2 this discussion came up yesterday, my lord, I was not  
3 just sure what they were talking about, but I am  
4 happy about it now.

5 THE CHAIRMAN: I see.

6 THE WITNESS: I think in the evidence we  
7 have already explained the first paragraph there.

8 MR. JACQUES, Q: In these paragraphs you  
9 are referring to various Orders-in-Councils which have  
10 been adopted with respect to B.C. pilotage waters?

11 A. And also the second-marked question  
12 here, the compulsory payment of pilotage dues; that  
13 has been also explained. There is a statement there  
14 about the process of law.

15 Q. Would you read that statement for the  
16 record, please?

17 A. Yes, I will read the whole paragraph  
18 there.

19 "When the present district  
20 was established in 1929" --  
21 this is the British Columbia district --

22 "the payment of pilotage dues  
23 was not compulsory. In 1949  
24 the pilotage authority decided  
25 that the district should have  
26 compulsory payment of dues and  
27 an appropriate provision was  
28 included in amendments to the  
29 by-laws.

30 Law officers





1 at that time considered that  
2 the approval of the by-law by  
3 the Governor-in-Council had the  
4 same effect as an Order-in-Council  
5 made by the Governor-in-Council.

6 But later opinions indicate  
7 the desirability of making a  
8 special Order-in-Council under  
9 section 326 instead of by by-law  
10 made by the pilotage authority  
11 and approved by the Governor-in-  
12 Council".

13 So it is a matter of technicality, my lord,  
14 that certainly has no bearing on anything practicable.

15 Q. Thank you. Now would you explain to  
16 the Commission ---

17 A. No. 10?

18 Q. Yes, please. Explain to the Commission  
19 the open shelter deck procedure and its effect on  
20 gross and net tonnage.

21 A. Yes. My lord, may I just point out  
22 the correct name of this is "shelter deck" for the  
23 record, not "sheltered deck".

24 THE CHAIRMAN: Shelter?

25 THE WITNESS: S-H-E-L-T-E-R. The deck  
26 referred to as the shelter deck is one above the  
27 continuous main deck which is open at some point to  
28 the weather, as you might say. It could be a hatchway  
29 that cannot be permanently sealed or it may be  
30 openings along the ship's side.







1 COMMISSIONER SMITH: With some of the plates  
2 out?

3 THE WITNESS: Under certain conditions, yes.  
4 I have not the details, but they have to be a certain  
5 size and so on.

6 If these openings are there without a  
7 permanent closure then this space is not included in  
8 the gross tonnage. If they wish to use this space  
9 for perishable cargo they seal it up. This has to  
10 be done either by welding covers over it or bolting  
11 securely covers over the openings which makes them  
12 in effect closed decks. In this case the space  
13 enclosed is counted in the gross tonnage.

14 This practice of changing from one to the  
15 other has only become common, as I might say, since the  
16 war. It was brought to our attention as a matter of  
17 fact by the B.C. coast first.

18 COMMISSIONER SMITH: Excuse me, captain, but  
19 in 1946-1947 there was a very excellent survey or  
20 report made by you. In looking it over I find that  
21 there was a complaint mentioned then by the pilots  
22 about the shelter deck up there on the coast. It is  
23 in your report.

24 THE WITNESS: What is the expression --  
25 "Oh, that my enemy would write a book."?

26 COMMISSIONER SMITH: The reason I mention it  
27 is that it is not something that has just crept up  
28 recently.

29 THE WITNESS: No, Mr. Smith, that is correct.  
30 It is since the war. At that time I do not think it





1 was very common, but it has become more common and we  
2 have had discussions about it. It is very difficult  
3 to know how to handle it. But our ships, British  
4 ships, do not have two certificates of registry and  
5 there is a procedure that they are supposed to go  
6 through when they change from one situation to another,  
7 one condition to another.

8 I think that the way to handle this -- which  
9 I intend to propose -- is that wherever there is a ship  
10 which the pilots or the pilotage superintendent has  
11 reason to question in this regard, if they think they  
12 might not be getting the right tonnage, they might  
13 check with the customs officer. The customs officer  
14 must have produced to him the register. This is the  
15 legal document on which we must base our pilotage dues  
16 under the Canada Shipping Act.

17 So I think there is room for a check in this  
18 way in any case where there may be doubt, in case  
19 somebody is putting something over.

20 But the way we do it is just by checking  
21 with the current Lloyd's register of shipping. This  
22 when there are so many to be done is practically the  
23 only way to do it. But if there is any doubt we  
24 can check with the customs officer, the local collector  
25 of customs, to see whether that ship has produced  
26 to him its tonnage.

27 MR. JACQUES, Q: Tell me now, the openings  
28 to which you refer, would you include hatchway openings?

29 A. Not if they are the hatchway openings  
30 which can be permanently battened down, no. There is







1 what they call a tonnage hatch and this is admittedly  
2 just a device. Everybody has known it for many many  
3 years.

4 I can recall the ship that I first went to  
5 sea on had this in 1919. There was a hatchway,  
6 oh, smaller than the area covered by these tables here,  
7 and the combing of it was so low that you could not  
8 really seal it up like you could the other. There  
9 were no cleats in it, as far as I remember. What  
10 they did was to put a cover over it and lash it around  
11 and do the best they could to protect what was below  
12 from the weather.

13 But this is something that is being considered  
14 now, my lord, by the committee instituted in the  
15 Intergovernmental Maritime Consultive Organization in  
16 conjunction with the move to have a universal, simplified  
17 tonnage measurement formula.

18 THE CHAIRMAN: They are working on that?

19 THE WITNESS: They are, sir, and this is  
20 very strongly in the discussions -- this matter of  
21 shelter deck openings.

22 THE CHAIRMAN: We are talking about the  
23 effects of this procedure. Could you tell us what  
24 was the purpose of that procedure? Why did they  
25 resort to that? What convenience do they find?

26 THE WITNESS: Well, if they can reduce the  
27 gross tonnage, my lord, of course it does have an  
28 effect on the net tonnage also and the net tonnage  
29 is used for dues all over the world.

30 THE CHAIRMAN: All over the world, so it is





1 not only for British Columbia; it is all over the  
2 world?

3 THE WITNESS: No, sir. This is done in the  
4 St. Lawrence too. We know our surveyor in the St.  
5 Lawrence has requested occasionally to go and board a  
6 ship and re-measure her or to check the closing -- to  
7 check that the openings are closed. Then he reports  
8 this to the Registrar of Shipping who makes an adjustment  
9 in the certificate of registry.

10 THE CHAIRMAN: I suppose quite a few charges  
11 are based on that, not only pilotage charges but port  
12 charges?

13 THE WITNESS: Yes, my lord, generally speaking  
14 on the net tonnage.

15 COMMISSIONER RENWICK: If the owner puts his  
16 ship into a shipyard and had the openings made by taking  
17 off a few plates, what is the authority that the man's  
18 registry be changed -- that that be reported to the  
19 authority? Is there anything that demands that it  
20 be reported?

21 THE WITNESS: Yes, sir. It is a very  
22 serious offence if an alteration is made to a ship  
23 which would have an effect on her tonnage without  
24 reporting this and having the registry changed.

25 COMMISSIONER SMITH: In that connection,  
26 captain, if I understand the definition of "gross  
27 tonnage" it is a measure of the total enclosed space  
28 in a ship. Well, the total enclosed space -- could  
29 not the word "permanent" be inserted in there somewhere  
30 in order to make sure that such an eventuality as is





1 mentioned by Mr. Renwick could not occur, unless of  
2 course they went through the re-registration formulas?

3 THE WITNESS: The certificate of registry,  
4 Mr. Smith, is the document which is under the Canada  
5 Shipping Act accepted as indicating the tonnage. Now,  
6 if they do anything to the ship which would have the  
7 effect of changing the tonnage without it being changed  
8 in the Certificate of Registry, then they are liable  
9 to a penalty.

10 COMMISSIONER SMITH: But supposing they do  
11 make some change in the measured tonnage -- that would  
12 affect the measured tonnage -- what are they obligated  
13 to do? Are they to report?

14 THE WITNESS: Oh, yes.

15 COMMISSIONER SMITH: Yes, and get some re-measurement  
16 of the tonnage of the ship and re-registering of the  
17 change?

18

19

20

21 --

22

23

24

25 --

26

27

28

29 --

30







1 THE WITNESS: This is so, Mr. Smith. I can  
2 find this in the lunch hour.

3 COMMISSIONER SMITH: No.

4 THE WITNESS: I would have to dig into that.  
5 It is covered I think in the Canada Shipping Act.

6 THE CHAIRMAN: Would a change in the by-law  
7 to maximum gross tonnage ---

8 THE WITNESS: This is what we have had in mind,  
9 my lord. I don't know whether Captain Jones has  
10 discussed this.

11 CAPTAIN JONES: Yes, we have. The suggestion  
12 came up before that we employ maximum gross tonnage and  
13 we consulted our lawyers on this and as we almost  
14 guessed they would, they pointed out this was quite  
15 impossible to do. We would have to -- if we were  
16 using tonnage, we would have to use the papers of the  
17 vessel at the time.

18 THE WITNESS: I am afraid there is an obstacle  
19 in the Canada Shipping Act as it stands now, my lord.

20 THE CHAIRMAN: Are you seeking legal advice  
21 on that?

22 CAPTAIN JONES: We have, sir, on this matter.  
23 They said that there was no -- as long as we were  
24 charging the tonnage the sole means by which papers  
25 that would substantiate this tonnage were the vessels  
26 papers in existence and applicable at the time of the  
27 charge.

28 THE CHAIRMAN: Thank you very much, we will  
29 make some inquiries.

30 CAPTAIN MATHESON: My lord, in connection with





1 this tonnage situation, my understanding is that different  
2 countries have different measurements. Consequently  
3 when a ship changes her register some time, when the  
4 ship changes her flag the tonnage automatically changes  
5 and that was the difficulty that cropped up a few  
6 years ago when a ship, that was built in Britain, would  
7 have a certain measurement and when she was transferred  
8 to Greek or Honduras flag the tonnage was reduced  
9 considerably.

10 In this case this ship could lodge with the  
11 Customs authority their Honduras register and therefore  
12 that would not be the correct registry of the ship  
13 because I think Canada recognizes Lloyd's registry or  
14 British measurement, Panamanian measurement, the Panama  
15 Canal, but not the register system of other countries.

16 CAPTAIN SLOCOMBE: There are certain countries,  
17 my lord, whose registry we do not recognize, at least,  
18 who we might require to be remeasured but generally  
19 speaking -- may I change that ---. This is the case  
20 with American ships too. The American system of  
21 measurement does have some significant change but  
22 generally speaking we do have an agreement to accept  
23 each others tonnage except for this case of passenger  
24 ships, where they exempt everything above a certain  
25 deck and there is quite a large difference in the  
26 tonnage of passenger ships.

27 In this case we require an appendix  
28 certificate which they have and which brings their  
29 tonnage up to approximately what would be the tonnage  
30 under the British or Canadian system. Canada still







1 follows the British system, so far.

2 THE CHAIRMAN: We had some evidence to that  
3 effect in the St. Lawrence and we were told that at  
4 times the ship may be re-measured because the tonnage  
5 was not accepted.

6 THE WITNESS: This is correct.

7 MR. JACQUES: This is under section 100 of the  
8 Canada Shipping Act which I will quote in part.

9 "Whenever it appears to the  
10 Governor-in-Council that the  
11 tonnage regulations of this Act  
12 have been adopted by any foreign  
13 country, and are in force there,  
14 the Governor-in-Council may order  
15 that the ships of that country  
16 shall, without being re-measured  
17 in Her Majesty's dominions be  
18 deemed to be of the tonnage denoted  
19 in their Certificates of Registry  
20 or other national papers, in the  
21 same manner, to the same extent  
22 and for the same purposes as  
23 the tonnage denoted in the Canadian  
24 Certificate of Registry of a  
25 British ship is deemed to be the  
26 tonnage of that ship ---"

27 If the regulations are not similar there is a  
28 provision in sub-section 3 of section 100 permitting  
29 the re-measurement of the vessel under the Canadian  
30 rule.





1 COMMISSIONER SMITH: Mr. Jacques, is there not  
2 somewhere -- it may not be in the Act, where the Council  
3 or regulations passed with the sanction of the Governor-  
4 in-Council to add a certain percentage onto ships of  
5 a certain flag? I have in mind 20 per cent on ships  
6 of a certain flag.

7 THE WITNESS: This was an interim arrangement  
8 we made, Mr. Smith, in the St. Lawrence, in Quebec  
9 particularly and the Customs Officers were in on this  
10 for harbour dues and so on.

11 COMMISSIONER SMITH: These countries were  
12 designated. They were named?

13 THE WITNESS: Yes, sir.

14 COMMISSIONER SMITH: I have forgotten which ones  
15 they were.

16 THE WITNESS: I can perhaps, my lord, produce  
17 a copy of the Ministerial Order on this, if it is not  
18 already in evidence.

19 MR. JACQUES: I think it has been filed in  
20 Quebec, if my memory serves me correctly, where it  
21 listed the various flags on which a certain percentage  
22 was to be added for the purpose of calculating dues,  
23 not pilotage dues, mind you.

24 THE CHAIRMAN: We will ask you to file that.

25 THE WITNESS: Very good, my lord. This is  
26 a very complicate matter, my lord. If the Commission  
27 wants details, I can have a paper prepared on it and  
28 hand it in later, if the Commission would like to have  
29 that.

30 THE CHAIRMAN: It may be one of the reasons





1 for the advantage we get of a flat rate system.

2 THE WITNESS: Yes, my lord. It does point to  
3 the inconvenience from the point of view of the pilots  
4 on having dues based on gross tonnage or net tonnage.

5 MR. JACQUES: If I may interrupt, my lord,  
6 it may be a good idea to have a paper prepared by  
7 Captain Slocombe or anyone on his staff on this aspect.

8 THE WITNESS: For September, my lord?

9 THE CHAIRMAN: Oh yes. We will now adjourn  
10 for a short recess.

11 ---A short recess.

12

13 MR. LANGLOIS: Captain Slocombe, regarding  
14 this question of closed and open shelter deck ships,  
15 I am informed that in some ships there is a door between  
16 No. 1 and No. 2 hatches that can be opened at will.  
17 When it is opened it is considered as an open shelter  
18 deck. Do you know anything about that situation?

19 THE WITNESS: This is part of it, my lord.  
20 If there is a permanent bulkhead, this is along the ---

21 MR. LANGLOIS: Carry on.

22 THE WITNESS: You will understand this tonnage  
23 opening I mentioned may be the after end of the ship  
24 but forward of the after peak bulkhead, and this then,  
25 if it is not permanently closed this exempts the space  
26 below it and that exemption includes the spaces that  
27 have openings through the bulkheads which are not  
28 permanently closed.

29 I may say, my lord, that they used to have,  
30 and I believe they still do, just have what they called







1 shifting doors, a two grooved angle bars, one on each  
2 side which looks like a doorway and drop doors into  
3 these grooves which formed, to all intents and purposes,  
4 a door or closure but this was not considered to be  
5 a permanent closure. This did not destroy or take  
6 away the exemption but if along the shelter deck, speaking  
7 of the spaces between the two decks now, but if one  
8 came to a bulkhead which was water tight or which had  
9 a permanently bolted plate over the opening, then the  
10 exemption did not continue beyond that bulkhead.

11 There was a point about a shelter deck, my  
12 lord, that I recall with interest. If it is referred  
13 to as a shelter deck then its hatchways along that  
14 lower deck, which is the same as on the upper deck ---

15 THE CHAIRMAN: I see.

16 THE WITNESS: And this is the main deck.

17 THE CHAIRMAN: As if it were an open deck.

18 THE WITNESS: Yes, sir and also the scuppers,  
19 these scuppers going out through the side. This is as  
20 distinct from used to be called -- I don't know whether  
21 it is still or not, the awning deck which was a completely  
22 enclosed deck but in that case the lower hatchways,  
23 the hatches on the lower deck were not as strong as or  
24 as coverable, shall I say, sealable as the ones on the  
25 main deck and also the scuppers went down into the  
26 bilges.

27 MR. LANGLOIS: In that case, Captain Slocombe,  
28 these hatchways must have regular combings?

29 THE WITNESS: In the case of these shelter  
30 decks?





1 MR. LANGLOIS: Yes.

2 THE WITNESS: That is right.

3 MR. JACQUES, Q: So that it is quite clear,  
4 the hatchways in the shelter deck leading to the lower  
5 deck ---

6 A. On both.

7 Q. You were referring to the hatchways  
8 in the shelter deck.

9 A. The hatchways in the shelter deck down  
10 into the lower hold, yes, what you might call the  
11 tween deck.

12 MR. LANGLOIS: In that case would not the  
13 regulations governing the height of the combings be  
14 applicable?

15 THE WITNESS: Yes, I believe ---

16 MR. LANGLOIS: Even to the lower hatchways?

17 THE WITNESS: I believe so. I am not really  
18 sure about this. These are details I have not got.  
19 If you would like, my lord, I can get the tonnage  
20 papers, the tonnage documents for a ship which has  
21 the two conditions and this could remove any doubt as  
22 to whether the exemption of these spaces affects the  
23 gross tonnage or not.

24 MR. JACQUES, Q: When you bring these tonnage  
25 papers, I take it this will include the plans.

26 MR. LANGLOIS: The general arrangement plan.

27 THE WITNESS: Not necessarily. I think maybe.  
28 I may be able to get those.

29 MR. JACQUES, Q: It will be useful as an  
30 illustration.







1 A. I will do my best, my lord.

2 MR. LANGLOIS: How do you find the situation  
3 in the future for a ship like, for example, these  
4 ships with the after raised deck?

5 THE WITNESS: The raised quarter deck?

6 MR. LANGLOIS: Yes.

7 THE WITNESS: This is a particular type. I  
8 must say I am not expert enough on these details, my  
9 lord, to be able to answer these questions but if the  
10 Commission wants evidence of the details of tonnage  
11 measurement, if they want to be completely confused,  
12 I am ready to get an expert here.

13 MR. LANGLOIS: If the doors are just closed  
14 with dogs, is that sufficient for the purpose?

15 THE WITNESS: I don't think -- dogs are not  
16 permitted. They are not accepted as permanent closure.  
17 They have to be bolted. There are all sorts of  
18 artifices we know about and as you know, Mr. Langlois,  
19 as a ship owner probably better than we do.

20 MR. LANGLOIS: Now, has it been brought to  
21 your knowledge that ships, for example, coming into a  
22 certain harbour under a certain tonnage have gone  
23 out under another tonnage?

24 THE WITNESS: Yes. This has been happening  
25 in Montreal.

26 MR. LANGLOIS: Is that a frequent occurrence?

27 THE WITNESS: Frequent ---. I don't know  
28 whether that is a relative term but it does happen.  
29 In those cases our surveyor has called down to the  
30 ship. He views the job that has been done on the closure





1 or opening, as the case may be, and he reports to the  
2 Registrar of Shipping, who amends the register of the  
3 ship accordingly.

4 THE CHAIRMAN: So they could do that on every  
5 trip.

6 THE WITNESS: They could but I don't -- it  
7 would be quite expensive but they could, theoretically,  
8 yes.

9 MR. LANGLOIS: Has it been brought to your  
10 knowledge also that some ships take on board two sets  
11 of tonnage documents which they use at will.

12 THE WITNESS: We have heard of this but  
13 actually there should be some notation on the register  
14 itself. We are constrained by the Act to accept  
15 what is on the Certificate of Register unless there is  
16 an order decreeing otherwise and on our British  
17 Certificate of Registry only one tonnage is permitted  
18 but I believe it has happened lately that a foreign  
19 ship might have two tonnages on the one certificate.

20 I have a man phoning Vancouver this morning  
21 as soon as they are up there to find out just what is  
22 the practice in Vancouver.

23 MR. LANGLOIS: Do you know if they have this  
24 two tonnage system for the convenience of the Panama  
25 Canal or the Suez Canal?

26 THE WITNESS: Yes. There is a special Panama  
27 certificate and another Suez Canal certificate which are  
28 carried with the ship and these measurements are  
29 usually made at the same time as the main measurement.

30 THE CHAIRMAN: But we have none for the St.





1 Lawrence Seaway?

2 THE WITNESS: It has not been done yet, but  
3 I believe there is quite a discussion going on about  
4 this at the moment.

5 THE CHAIRMAN: For the Canadian Seaway?

6 THE WITNESS: Yes, sir.

7 THE CHAIRMAN: There is something going on  
8 there.

9 COMMISSIONER RENWICK: What is the significance  
10 of the second measurement? It is greater or smaller?  
11 What is the general context of the second measurement.

12 THE WITNESS: In the case of the Panama and  
13 Suez the tonnage is greater. These are special rules  
14 that have been made by the Panama Canal Company and the  
15 Suez Canal Company for ships passing through the  
16 canals.

17 THE CHAIRMAN: In any event, it is uniform?  
18 There is more uniformity with that?

19 THE WITNESS: Yes, because we have a lot of  
20 the spaces that are exempted from the gross tonnage  
21 are not permitted to be exempted.

22 COMMISSIONER SMITH: Captain, do they still  
23 use -- correct me if I am mistaken -- the formula of  
24 100 cubic feet to the ton?

25 THE WITNESS: Yes, Mr. Smith. This is the  
26 measurement formula all over the world.

27 COMMISSIONER SMITH: In every case where there  
28 is a variation like in the Canal Zones, they still use  
29 that 100 cubic foot to the ton?

30 THE WITNESS: Yes, sir. It is just that they







1 add in the other spaces that have been exempted by  
2 the ordinary tonnage measurement.

3 I can say, my lord, that the Department is  
4 quite aware of the fact that the tonnage basis does  
5 produce fluctuations but this does not only affect  
6 pilotage. It affects many other things and we are  
7 hoping that IGMCO, Interngovernmental Maritime  
8 Consultation Organization will come up with something  
9 that will be agreed with by all the countries so as  
10 to get away from this difficulty. But the alternative,  
11 of course, is to get away from tonnage for pilotage  
12 dues.

13 THE CHAIRMAN: Is there anything else on  
14 this question? Now, I am going to go back to the  
15 question of fishing vessels. There are two main  
16 hazards in British Columbia, the tows and the fishing  
17 vessels. The tows are there and as was explained  
18 they are half a mile long. They have to be expected.  
19 Then there are the thousands of fishing vessels at  
20 different times, especially in the mouth of the Fraser  
21 River and we have heard evidence that was mentioned  
22 yesterday of a system that was tried out a few years  
23 ago but apparently this system did not work. It was  
24 not followed up. Can you tell us whether you are  
25 concerned with that?

26 THE WITNESS: We are concerned in the sense,  
27 my lord, that it was one of our officers who was asked  
28 to discuss this with the parties concerned and to come  
29 up with an agreement, if one could call it that or an  
30 agreed upon recommendation. This was issued by





1 Notice to Mariners.

2 THE CHAIRMAN: Upon the pamphlets that we  
3 have filed here as Exhibit 89 was published. Would  
4 you give me Exhibit 89?

5 THE WITNESS: Yes, my lord; this was produced  
6 following the discussions I spoke of, which our Captain  
7 Barber -- the supervising examiner of masters and  
8 mates in Vancouver -- had with the parties concerned;  
9 but you will note that these are recommendations only.

10 THE CHAIRMAN: They are not regulations?

11 THE WITNESS: No.

12 THE CHAIRMAN: Therefore, there is no way  
13 to enforce them?

14 THE WITNESS: We think not; there is the  
15 matter of the freedom of the seas and so on, and there  
16 may be a question of whether or not they are within  
17 territorial waters, even; I am not sure about that.

18 THE CHAIRMAN: Well, I think that at the  
19 mouth of the Fraser River they are.

20 THE WITNESS: At the mouth of the Fraser River  
21 it is within the jurisdiction of New Westminster  
22 harbour and they could make rules; and, in fact, they  
23 have a rule about blocking the channel and so on --  
24 fishing vessels are required to keep out of the way of  
25 commercial ships; but as far as constraining ships to  
26 keep within certain areas and to certain courses, this  
27 has not been found possible. Even on the Lakes, as  
28 you know, the separate courses are only recommendations.

29 THE CHAIRMAN: We are told that one of the  
30 reasons why it didn't work was because there was no







1 policing established.

2 THE WITNESS: Well, I would think, my lord,  
3 that the Fisheries Department, who do police their own  
4 fishing fleets, might be able to do something about  
5 that; but this would only be under the authority which  
6 they wield by virtue of the fishing licenses which  
7 they issue.

8 THE CHAIRMAN: Was this question taken up by  
9 your Department with their Department?

10 THE WITNESS: Not in Ottawa. I would have  
11 to look this up, my lord. But we were not aware, my  
12 lord, that this was not working successfully.

13 THE CHAIRMAN: I would like you to look into  
14 it more closely if at all possible, because this  
15 apparently is a great problem out there, and casualties  
16 occur.

17 THE WITNESS: Of course, my lord, I must  
18 submit that the B.C. coast is not the only place in the  
19 world where this occurs. Every ship's officer has  
20 found himself in the middle of huge fleets of vessels  
21 and Chinese junks and so on, and this is something  
22 you can meet with all over the world.

23 THE CHAIRMAN: But more particularly, it  
24 may be, in British Columbia, especially at some points?

25 THE WITNESS: Well, I would question that  
26 from experiences I have had.

27 MR. JACQUES: Q: The Portugese coast is  
28 famous also for small fishing boats?

29 A. Yes; and the China sea.

30 THE CHAIRMAN: The difference is that on the





1 east coast it is not a pilotage district and it is a  
2 rough coast and it is harbour pilotage; so there is  
3 a difference.

4 THE WITNESS: So far as the pilots are  
5 concerned, the work of the pilot in that regard in the  
6 open spaces to the similar to the ordinary work of a  
7 ship's officer in places like the North Sea or the  
8 English Channel.

9 THE CHAIRMAN: And we have heard that in  
10 British Columbia they have not only the fishing by  
11 the sceni-cruisers, too.

12 THE WITNESS: Yes.

13 MR. LANGLOIS: What would you think, Captain  
14 Slocombe, of having something similar to what we have  
15 in the St. Lawrence River between Quebec and Father  
16 Point under the set of rules which provides that ships  
17 with a draft of less than nine feet have to keep away  
18 from the steamers' track unless they are crossing  
19 the river from north to south? What would you think  
20 of a rule like that?

21 THE WITNESS: I think this rule is entirely  
22 suitable in the St. Lawrence, but I don't know whether  
23 it would be feasible in British Columbia waters which  
24 are quite a different proposition. But there is a  
25 legal aspect on this that I am doubtful about. I  
26 don't know if the government would have the power to  
27 do this, Mr. Langlois.

28 MR. LANGLOIS: But they have in the St.  
29 Lawrence under the Canada Shipping Act.

30 THE WITNESS: Yes; but the St. Lawrence is --





1 I forget now under what power these regulations are  
2 made.

3 MR. JACQUES: Section 645 of the Canada Shipping  
4 Act:

5 "Where the Governor-in-Council  
6 make rules or regulations for the  
7 prevention of collisions at sea and  
8 on the inland waters of Canada or  
9 any part thereof --- and may thereby  
10 regulate the lights to be carried  
11 and exhibited, the fog signals to  
12 be carried and used and the steering  
13 and sailing rules to be observed by  
14 ships."

15 MR. LANGLOIS: And that has precedence over  
16 the international rules of the road?

17 MR. JACQUES: And

18 "'Inland waters of Canada' means  
19 all the rivers, lakes and other  
20 navigable fresh waters within  
21 Canada, and includes the River  
22 St. Lawrence as far seaward as  
23 a straight line drawn from  
24 Cap de Rosiers through West  
25 Point Anticosti Island extending  
26 to the north shore."

27 THE WITNESS: Yes. Of course, the British  
28 Columbia coast waters are not inland waters, my lord.

29 MR. LANGLOIS: But this could be changed --  
30 the definition of the Act would be changed for the







1 purpose of using it on the west coast.

2 THE WITNESS: Mr. Langlois, you are no doubt  
3 aware of the Bill at present before Parliament which  
4 is providing for closer control over the use of  
5 waters, and you will notice that it only applies to  
6 vessels less than 15 tons gross and also, too, I think  
7 it only applies to lakes and small bodies of water.

8 So this question of control of the use, or  
9 the forbidding of the use of open waters, is quite a  
10 legal problem, apparently, so we are informed.

11 MR. JACQUES: There is an amendment to  
12 Section 645 of the Act which might be used -- I don't  
13 know; it is sub-section 4, which reads as follows:

14 "The Governor-in-Council may  
15 by order or regulation provide for  
16 the government and regulation of  
17 any part or parts of any inland  
18 minor or other waters of Canada."

19 THE WITNESS: The "other waters" includes  
20 the home trade waters; but with the "other waters" there  
21 is the question of the territorial waters, which are  
22 a very ticklish problem.

23 I think I sat beside Mr. Langlois when he  
24 piloted the particular section through a Committee of  
25 the House of Commons.

26 THE CHAIRMAN: Have you any further questions  
27 of this witness?

28 Changing the subject, I still have another  
29 question, which may be on account of my legal training.  
30 I am still concerned with the international question of





1 the Haro Strait, and I am just wondering if the  
2 Department is satisfied with the practical solution, or  
3 is it because there is no actual problem, or that they  
4 are concerned with the possible conflict, or a little  
5 conflict that exists there, and whether they are trying  
6 to find out the legal solution to it?

7 THE WITNESS: My lord, we didn't pursue that  
8 because it was such a difficult problem and there was  
9 evidence of conflict on the American side between  
10 the views of the local legal official, or ---

11 MR. JACQUES: The Attorney General.

12 THE WITNESS: Yes; the Attorney General in the  
13 State of Washington.

14 THE CHAIRMAN: Yes; but the problem is not  
15 only in British Columbia pilotage waters, but when it  
16 crosses the border line the ship is in American waters  
17 and those American waters, being pilotage waters, it  
18 could<sup>be</sup>/compelled to pay pilotage over there.

19 THE WITNESS: Yes; but this situation has  
20 existed in the St. Lawrence in the district between  
21 Cornwall and Kingston since 1936.

22 THE CHAIRMAN: But it was settled by  
23 agreement between the United States and Canada.

24 THE WITNESS: Only in 1960; but all those  
25 years before that time there was never any trouble.

26 THE CHAIRMAN: But there could be.

27 THE WITNESS: It has always been theoretically  
28 possible; and it is obvious that a Canadian pilot in  
29 this district was only licensed for the Canadian  
30 waters; and yet he must cross and re-cross the boundary.







1 This kind of situation is best left alone  
2 as long as it works; but if there were more difficulties  
3 on this point in British Columbia then, of course,  
4 the matter would have to be approached between the  
5 two governments through External Affairs and that would  
6 be a long drawn-out job.

7 MR. JACQUES: Are there any more question with  
8 respect to the B.C. pilotage district?

9 We shall move on, then, to New Westminster,  
10 my lord.

11 THE WITNESS: I promised to produce a document  
12 from Saint John district, showing the transfer to  
13 the Crown of the boat and assets at the time when the  
14 Minister of Marine and Fisheries first became the  
15 pilotage authority in Saint John, New Brunswick.

16 This is a document which is dated June 5,  
17 1920. It is called a memorandum. It is signed by  
18 two pilots on behalf of the Pilots Committee, with a  
19 witness, and this memorandum states as follows:

20 "We, the Pilots Committee  
21 of the Port of Saint John, acknowledge  
22 having received from Captain G.E.L.  
23 Robertson and A.B. Boyle of the  
24 Marine Department, the sum of  
25 \$4,000.00 for the sale of the  
26 'David A. Lynch', to be divided  
27 up equally among the under-mentioned  
28 men as owners of the said boat.

29 This is in accordance with  
30 the agreement entered into with





1 Department on 28th May, 1920."

2 The owners of the boat at that time were William Scott,  
3 Thomas J. Stone, John F. Abbott, James H. Miller,  
4 Thomas Traynor and William P. Traynor.

5 This was the recording of the purchase of  
6 the pilots boat at the time from these registered  
7 owners.

8 MR. JACQUES: It will be filed as Exhibit 1167.

9  
10 ---EXHIBIT NO. 1167: Memorandum dated June 5,  
11 1920, in respect of the  
12 transfer of ownership  
of the pilot boat "David A.  
Lynch" to the Government of  
Canada.

13 MR. JACQUES, Q: The first question with  
14 respect to New Westminster is the usual question,  
15 requesting the views of the Department and the  
16 conclusions of the brief, so, as agreed, this will be  
17 postponed.

18 A. Thank you.

19 Q. The second question refers to aids to  
20 navigation in the Fraser River -- various requests  
21 received and action taken.

22 A. We have a record, my lord, of a request  
23 by the Secretary of the New Westminster Pilotage  
24 Authority on behalf of pilots for certain action with  
25 regard to tide gauges, and this was a matter that  
26 had to do with the Public Works Department and we  
27 passed it to that Department; also with regard to  
28 certain shoalings and dredges -- we just passed that  
29 to the appropriate department.

30 I am not aware now what action was later taken





1 on it.

2 This was an ordinary local district for  
3 which the Minister of Transport is not the pilotage  
4 authority, and it could just as easily have been done  
5 directly by the local pilotage authority or even through  
6 the Harbour Board which are almost the same -- well,  
7 they used to be the same personnel -- very closely in  
8 contact, in any case; and this could have been just  
9 as easily through the Department concerned. But we  
10 just passed it on as a matter of convenience.

11 Q. Have you copies of these requests?

12 A. Yes, I can file the copies we have  
13 here.

14 MR. JACQUES: This will be Exhibit 1168.

15 THE WITNESS: There are a number of letters  
16 here.

17 ---EXHIBIT NO. 1168: Bundle of correspondence  
18 exchanged with respect to  
19 improvements to Aids to  
20 Navigation in the Fraser  
River in 1961.

21 MR. LANGLOIS: When you say you passed them  
22 on to P.W.D., did you merely pass them without any  
23 recommendations?

24 THE WITNESS: Yes, I think we did. This was  
25 really not our business; because, as I say, we  
26 are not looking for increased responsibility. This is  
27 a district for which the Minister is not responsible.  
28 We pass them to Public Works and this is as far as we  
29 went.

30 MR. JACQUES: If I may, I will read the letter







1 dated April 26th, 1961, addressed by Mr. Gordon W.  
2 Stead, Assistant Deputy Minister of Marine, to Mr.  
3 Warren, then secretary of New Westminster Pilotage  
4 Authority, concerning a request. The letter reads  
5 as follows:

6 "Thank you for your letter  
7 of April 6th regarding the bend  
8 in the main ship channel of the  
9 Fraser River. This Department  
10 is, of course, most interested in  
11 matters of this sort affecting  
12 shipping, but the Department of  
13 Public Works has the primary  
14 responsibility for considering  
15 this matter.

16 We have passed a copy of  
17 your letter to the Department for  
18 their consideration and have  
19 indicated that we are interested  
20 in it and would like to be kept  
21 informed of their views.

22 Thank you for drawing this  
23 to my attention."  
24

25 --

26  
27 --  
28  
29  
30





1 MR. LANGLOIS: Were these requests submitted to  
2 the Aids to Navigation Division of the Department of  
3 Transport?

4 THE WITNESS: This is not an aid to navigation  
5 which our branch would take care of. These were tide  
6 gauges, depths of water and so on, and dredging, and these  
7 gauges which were spoken of were kept up by the Department  
8 of Public Works for their purposes. I think there is  
9 a document there explaining their reaction. I am not  
10 quite sure now.

11 MR. LANGLOIS: Are not some of these water  
12 level gauges kept up by the Department of Mines and  
13 Technical Surveys?

14 THE WITNESS: This may be so. The  
15 Hydrographic Service, you mean?

16 MR. LANGLOIS: Yes.

17 THE WITNESS: If they were making a study  
18 for the purpose of constructing the tide tables I am  
19 sure they would have some gauges like this, but I am  
20 not able to say now.

21 MR. LANGLOIS: I mean for example the gauges  
22 at Quebec and Neiuville and Three Rivers?

23 THE WITNESS: Yes. This might be taken care  
24 of by the St. Lawrence Ship Channel under Mr.  
25 Herb Land in Montreal.

26 MR. LANGLOIS: These will come directly under  
27 your department, will they not?

28 THE WITNESS: That would be our department,  
29 yes, in the St. Lawrence if he does. I am not quite  
30 certain of this.







1 MR. LANGLOIS: I think they are.

2 MR. JACQUES, Q: Would the comments which  
3 you have made as regards other districts apply also on  
4 other aids to navigation? That is, you would pass on  
5 the request to the Department of Public Works?

6 A. This is correct. On this matter of aids  
7 to navigation, as we have said before, the pilots do  
8 make their views known quite as a matter of routine and  
9 they are always considered. When the requests can be  
10 complied with they are. This is a matter of funds  
11 available and so on.

12 Q. The next question, question No. 3,  
13 refers to pilot boats. Would the New Westminster pilot  
14 boat be included in the previous orders-in-council  
15 which you have filed?

16 A. It is included in the order-in-council  
17 which I am sure has been filed at some time during the  
18 hearings -- the later one, not the ---

19 Q. The T.B. minute, August 19th, 1959 makes  
20 reference to the ---

21 A. Yes. This is the one which was on an  
22 amendment of the previous Treasury Board Minute under  
23 which we reimbursed the pilot boat expenses to the  
24 four districts. In this later one of 1959 there was  
25 included St. Johns, Newfoundland and New Westminster.  
26 This is for the complete direct assumption of pilot  
27 boat costs by the Department.

28 Q. And the Department again in New Westminster  
29 purchased the boats from the pilots?

30 A. Yes, for a consideration of \$1.00.





1 Q. And it did not reimburse any capital  
2 expenditures?

3 A. No. In fact the Department paid an  
4 outstanding bank loan which ---

5 Q. In what amount?

6 A. The remainder of \$25,000.00. The bank  
7 loan had been \$25,000.00. Some of it was paid off.  
8 The outstanding amount was \$16,700.00.

9 Q. And it paid that?

10 A. For which the Department assumed  
11 responsibility.

12 COMMISSIONER SMITH: Are you passing on?

13 MR. JACQUES: No, no. I was just wondering ---

14 COMMISSIONER SMITH: There was one question  
15 I would like to ask, my lord, about the procedure. Two  
16 aids to navigation, and 5 deals with the bridge-aft  
17 ships going through the Fraser Bridge. There was a  
18 question raised by the late Captain Scott of an aid  
19 to navigation through a bridge, a cluster of piles, to  
20 guide ships.

21 I do not know whether this is the proper time  
22 to bring it up under 2 or whether it should wait until  
23 5.

24 MR. JACQUES, Q: Have you any ---

25 A. We have no knowledge of this, my lord.  
26 As far as I know there has been no formal request for  
27 this.

28 COMMISSIONER SMITH: Oh, no; this was a  
29 suggestion made by the late Captain Scott -- a cluster  
30 of piles to guide ships -- which he took up with, I





1 think, Captain Gilley and some other pilots. I was  
2 inquiring whether this should be brought up under 2 or  
3 5.

4 THE CHAIRMAN: It does not matter.

5 MR. JACQUES: It does not matter.

6 MR. SMITH: I think we had better wait until  
7 5 because it has to do with the bridge-aft ships.

8 THE CHAIRMAN: We will postpone that.

9 MR. JACQUES, Q: Would the reason for the  
10 taking over of the boat by the Department be the same  
11 for New Westminster as it was for the other districts  
12 -- that is, to provide the district with additional  
13 funds?

14 A. This is correct. This, of course, was  
15 a precedent. We had never provided any assistance  
16 for  
17 before/a district for which the Minister of Transport  
18 was not the pilotage authority. We were drawn into  
19 this matter gradually, perhaps because of the close  
20 proximity of New Westminster to the B.C. Pilotage  
21 District. This was a request -- and I will file a  
22 number of documents here, my lord.

23 This, I may say, entails consideration of  
24 questions 3 and 4, Mr. Jacques; 3 and 4 together may  
25 be covered in this.

26 Q. Yes, it could be, yes. It would also  
27 cover question 9 -- "Why was this district not taken  
28 over by the Minister?"

29 A. Yes, sir. That can be answered very  
30 quickly and simply. The first document I have here --  
of course, this does not completely cover all the







1 discussions and so on that went on. The documents I  
2 have indicate the trend and generally speaking what  
3 happened. The first is a letter.

4 MR. JACQUES: These documents will be filed  
5 as Exhibit 1169.

6  
7 ---EXHIBIT NO. 1169: Correspondence exchanged between  
8 the D.O.T. and the New Westminster  
9 Pilotage Authority concerning  
proposed changes in the  
administration of the authority.

10 THE WITNESS: This is a letter to Mr. Norman  
11 Wilson, Direct of Marine Services at that time. It is  
12 dated December 14th, 1956 and signed by Captain H.L.  
13 Gilley as Chairman of the New Westminster Pilots'  
14 Committee. It reads this way:

15 "Subsequent to our letter to  
16 you dated June 27th, 1956 in  
17 connection with the above subject" --  
18 which is the administration of the New Westminster  
19 pilotage district --

20 "and as stated therein, the  
21 Pilots' Committee did endeavour  
22 over a considerable period of  
23 time to gain a meeting with  
24 the members of the New Westminster  
25 pilotage authority. After several  
26 delays such a meeting was held  
27 October 10th, 1956, at which  
28 time the Pilots' Committee was  
29 informed that it was the  
30 considered opinion of the members





1 of the Pilotage Authority that  
2 no change could be made at this  
3 time in the administration of  
4 this pilotage district. These  
5 views were stated in a letter  
6 dated October 17th, 1956 to the  
7 Pilots' Committee, a copy of  
8 which is enclosed" --

9 and which is attached to this document, my lord.

10 MR. JACQUES: Q: What were the problems at  
11 that time?

12 A. May I go on with the letter?

13 Q. Oh, yes.

14 A. "The Pilots' Committee have  
15 since studied this question from  
16 all possible viewpoints and have  
17 now come to the realization that,  
18 while this agreement with the views  
19 of the members of the Pilotage  
20 Authority is to be regretted, some  
21 change however in the administration  
22 of this pilotage district must  
23 of necessity be instituted without  
24 delay.

25 The Pilots' Committee therefore  
26 formally requested that, in view of  
27 the reasons cited by the Pilots'  
28 Committee in their initial request  
29 to the Chairman of the Pilotage  
30 Authority dated May 4th, 1956, a







1 copy of which was forwarded to  
2 your office May 9th, 1956 and  
3 in view of the stated requirement  
4 of the Department that the FRASER  
5 PILOT No. 1 be brought under  
6 steamship inspection, the necessary  
7 steps be now instituted under  
8 Section 327 of the Canada Shipping  
9 Act to bring the administration of  
10 this Pilotage District directly  
11 under the Minister of Transport  
12 as pilotage authority."

13 The copy of the letter from the Commissioners,  
14 the local Local Pilotage Authority to ---. I am  
15 sorry; I made a mistake. The letter which is attached  
16 is not the copy of the letter from the Commissioners  
17 to the Pilots' Committee; it is a letter to the  
18 Commissioners from the Pilots' Committee signed by  
19 Captain Gilley. That was dated May 28th, 1956.

20 This letter stated as follows:

21 "Further to our letter of May  
22 4th and on our understanding from Mr.  
23 J. Warren that clarification of  
24 the subject matter of that letter  
25 is desired by the members of the  
26 Pilotage Authority, this is to  
27 advise you that over a period  
28 of several years consideration has  
29 been given to the means by which  
30 the pilotage service of this





1 district can be adequately  
2 maintained.

3 As mentioned in our letter,  
4 costs of operation have during  
5 this period and will continue to  
6 increase.

7 We do not feel that this  
8 pilotage district should be  
9 responsible for maintenance of  
10 the pilot boat and other services  
11 in view of the fact that in all  
12 other ports on the west coast of  
13 Canada this maintenance is carried  
14 by the Department of Transport.

15 We have now learned from  
16 officials of the Department of  
17 Transport that no such assistance  
18 is given, nor can be considered  
19 in ports administered by local  
20 pilotage authorities.

21 We, the pilots, are sure that  
22 in view of the aforementioned  
23 findings, the members of the  
24 pilotage authority would make  
25 the request that the Minister  
26 of Transport assume the control  
27 of this district as provided by  
28 Section 327 of Part VI of the  
29 Canada Shipping Act and that  
30 such would have the wholehearted





1 support of the pilots."

2 Q. So it was a financial problem which  
3 apparently prompted the pilots to request to come under  
4 the Minister's authority?

5 A. This is correct.

6 The next document I have here, my lord, is  
7 dated the 24th February, 1958 -- a year and a half  
8 later. It is addressed to me and signed by Captain  
9 R.R. McLeese and Captain C.H.G. Green of the B.C  
10 pilots. I will read it so that the letter explains  
11 how Captain McLeese and Captain Green come into the  
12 picture.

13 It is referred to as a memorandum and reads  
14 as follows:

15 "The Fraser River pilots  
16 have again requested the two B.C.  
17 pilot captains, R.R. McLeese and  
18 C.H.G. Green, to appeal to you  
19 on their behalf as their situation  
20 is steadily going from bad to  
21 worse.

22 It was stated to you in a  
23 letter dated March 12th, 1957  
24 that the most serious trouble  
25 the Fraser River pilots are  
26 facing is the maintenance and  
27 operation of the the pilot  
28 boat. At that time the boat  
29 had to be re-engined and re-  
30 fitted. This was done at a







1 cost of \$25,000.00 (double the  
2 estimate). They did not have  
3 the money to pay for this work  
4 so the commissioners borrowed  
5 it from the bank and the pilots  
6 therefore are obliged to repay  
7 this loan from the gross revenue  
8 at \$5,000.00 per year at 6 per  
9 cent interest.

10 They feel that having had  
11 no say in the matter it is a  
12 grave injustice. Also at that  
13 time the Steamship inspection  
14 ordered a certified master and  
15 more personnel be carried, which  
16 is costing an additional \$600.00  
17 per month. Another cost at that  
18 time was the hiring of a replacement  
19 boat at well over \$2,000.00 and  
20 also the reclassification of  
21 their pilot boat has greatly  
22 increased the cost of insurance.

23 Business in the Fraser River  
24 pilotage district was about normal  
25 in 1957 and if they had had the  
26 complement of men necessary for  
27 satisfactory operations, their  
28 earnings would have been below  
29 that of a master on a coasting  
30 vessel. As the expenses for the





1 district in 1957 were more than  
2 50 per cent of gross earnings,  
3 the pilots would be in a deplorable  
4 position if shipping were to drop  
5 off, especially with the newly  
6 added costs.

7 The Fraser River Pilotage  
8 Commission have refused to meet  
9 or discuss the present situation  
10 with them. Therefore the pilots  
11 are asking to be put under direct  
12 control of the Minister of  
13 Transport of the pilotage authority  
14 and that the district be relieved  
15 of the cost of pilot boats,  
16 superintendent and office staff  
17 as in the case of all other major  
18 ports in Canada.

19 The Fraser River pilots feel  
20 that the only way to clean up this  
21 situation is for the Minister to  
22 exercise his authority under  
23 Section 327 of the Canada Shipping  
24 Act at his earliest convenience.

25 We might add that if the  
26 Fraser River district was under  
27 the Minister, the B.C. pilots  
28 would have access to the use of  
29 the pilot boat which could save  
30 them approximately \$1500.00 in







1 a year.

2 Presented on behalf of the  
3 Fraser River pilots by R.R. McLeese  
4 and C.H.G. Green of the B.C. Pilots."

5 These appeals did have effect, my lord, and  
6 there were further discussions. During a visit of  
7 the Director of Marine Regulations to the west coast,  
8 the matter was discussed in person and the letter that  
9 I am going to read from Captain Jones to Mr. Warren,  
10 the secretary of the authority, explain what transpired.  
11 This was dated October 23rd, 1959 -- a year or so  
12 later.

13 "Dear Mr. Warren:

14 I wish to inform you that  
15 approval has been given to the  
16 proposal for the Minister of  
17 Transport to take over the pilot  
18 boat operations in your district  
19 upon the terms discussed in  
20 detail with Mr. Alan Cumyn, Director  
21 of Marine Regulations, on his  
22 recent visit. Captain Gilley  
23 telephoned a few days ago to  
24 inquire how this matter was  
25 progressing and I informed him  
26 that we understood that this  
27 approval was forthcoming and it  
28 has now been received.

29 Accordingly this office is  
30 in the course of preparing





1 amendments to the by-laws of the  
2 New Westminster district necessary  
3 to carry out this change. You  
4 will, of course, recall the  
5 basis on which this is to be done,  
6 namely, that the tariff resulting  
7 from this change will levy on  
8 vessels the same charge in  
9 aggregate as is now being made.  
10 This aggregate charge will include  
11 an item of ten dollars for each  
12 occasion on which boat service  
13 is furnished. This ten dollars  
14 is to be remitted to the Receiver  
15 General of Canada.

16 Simultaneous with the  
17 introduction of this new tariff,  
18 following its signature by the  
19 Commissioners and ratification  
20 by the Privy Council, will be the  
21 transfer of the title of the  
22 real property at Steveston and  
23 the ownership of the boat FRASER  
24 PILOT NO. 1. As we already  
25 explained, our Law Branch  
26 requires a statement signed by  
27 each of the pilots waiving any  
28 claim they have or may have against  
29 these assets.

30 The assumption of the bank





1 loan is to be effective at the  
2 same date.

3 As soon as the draft of the  
4 by-laws is in order it will be  
5 forwarded for scrutiny and  
6 approval, if accepted by the  
7 Commissioners. This will be  
8 done as soon as possible.

9 With respect to the proposal  
10 originally made by the New  
11 Westminster pilots that the  
12 Minister of Transport become  
13 the Pilotage Authority of the  
14 district, I may say that it has  
15 been decided that this step will  
16 not be taken at the present time.  
17 This comment is not to be construed  
18 as an indication that he will do  
19 so at some future date, but merely  
20 that the matter is to be left  
21 in abeyance."

22  
23  
24 --

25  
26  
27  
28 --

29  
30 --







1 Well, my lord, as follows, this was taken  
2 over. The operation of the pilot boat was taken over  
3 by the Department under these terms.

4 Q. Why was not the whole district taken  
5 over?

6 A. I can only say that it was not taken  
7 over because the Minister of Transport was not  
8 prepared to assume this other responsibility.

9 MR. LANGLOIS: Captain Slocombe, was not  
10 the transfer to take place at the first of April,  
11 1959? What was the reason for having delayed it?

12 THE WITNESS: We didn't have the approval.  
13 I think the Order-in-Council under which we were  
14 able to do this was dated, was it not, August 25th, 1959.  
15 That was just prior to our stating that approval had  
16 been granted.

17 MR. JACQUES: I think the P.C. is August,  
18 1959.

19 THE WITNESS: I think August 25th, 1959.  
20 This, as I mentioned, was a precedent that we took  
21 over St. Johns, Newfoundland, as well at the same  
22 time and this was tied in, my lord with changes which  
23 had to be made in other pilotage districts, which  
24 also came under this new Order-in-Council for a  
25 different system of meeting pilot boat costs.

26 This partly explains the delay in New  
27 Westminster. We were trying to do the whole job at  
28 one time.

29 MR. LANGLOIS: That is why I am asking this  
30 question because I am instructed that the pilots had





1 received verbal assurances that this transfer was to  
2 be effective as of the 1st of April, 1959.

3 THE WITNESS: Well, these verbal assurances  
4 would have been given in good faith, I am quite sure.  
5 I need hardly say that we are not always able to do  
6 what we hope to do.

7 MR. LANGLOIS: I merely wondered why they  
8 had delayed.

9 THE WITNESS: We appreciate that there was  
10 a delay.

11 MR. LANGLOIS: You mentioned that this was  
12 a precedent. Was not the fact that this boat was  
13 being used as much by the B.C. Pilots a factor which  
14 entered into consideration in making this decision.

15 THE WITNESS: I would say that it was a  
16 factor which we used in support of the submission that  
17 the whole pilot boat costs for New Westminster should  
18 be taken over. It was something that assisted us  
19 in achieving the results we did achieve.

20 MR. JACQUES: Q: The Treasury Board Minute is  
21 dated the 27th of August.

22 A. August 27th, 1959.

23 Q. The next question concerns the taking  
24 of bridge-aft ships through the Fraser River bridge.  
25 We refer in this question to Exhibit 160 which is a  
26 set of rules or recommendations as I recall for the  
27 safety of ships navigating the Fraser River.

28 A. This is a set of rules made by the ---

29 Q. Pilots?

30 A. By the pilots.







1 Q. By the pilots?

2 A. This, my lord, I need hardly explain  
3 again was an internal matter between the pilots and  
4 their authority.

5 Q. Have there been complaints made to the  
6 Department by the ship owners or by the harbour  
7 authorities or by anyone?

8 A. The matter was brought to our attention  
9 by a request for information by our Aids to Navigation,  
10 Marine Works Branch. They brought this argument,  
11 shall I say, to our attention.

12 Q. Would you give us more details of that  
13 request?

14 A. Well, this was, it might have been a  
15 telephoned request. We wrote to Mr. Warren, the  
16 Secretary of the Pilots Authority saying that we had  
17 had a request for information and asking him to  
18 elucidate, and I can quote the letter here, dated  
19 August 31st, from Mr. Warren to Captain Jones.

20 COMMISSIONER RENWICK: What year?

21 THE WITNESS: August 31st, 1952. This is  
22 how the letter reads:

23 "This is in reply to your  
24 letter of August 21st, requesting  
25 information on vessels traversing  
26 the New Westminster Railway bridge.

27 The number of passages  
28 through the bridge were 194 in the  
29 calendar year 1960, 110 in 1961  
30 and there are 66 to date this year.





1 This big drop in passages  
2 between 1960 and 1961 can I  
3 believe be directly attributed  
4 to the increased shipping of  
5 packaged lumber on the large  
6 bridge-aft ships.

7 The above passages were  
8 all by conventional vessels with  
9 bridge amidships and a length of  
10 from 325 to 525 feet. As it is  
11 necessary for inbound vessels  
12 to make an abrupt swing to port  
13 immediately after clearing the  
14 bridge and then a reverse turn  
15 to starboard into the narrow  
16 Sapperton Channel, the larger  
17 vessels naturally have much  
18 more difficulty and the risk of  
19 an accident is much greater.

20 About five years ago, when  
21 the large bridge-aft vessels  
22 first appeared as lumber  
23 carriers from this coast, one  
24 was taken above the bridge.  
25 However, much difficulty was  
26 encountered. It was impossible  
27 to see properly to line up the  
28 narrow bridge opening or to  
29 manoeuvre the bends in the narrow  
30 channel and the vessel grazed the





center pier of the bridge.

As a consequence, the pilots agreed that it was mandatory on them to recommend that these large bridge-aft vessels should not be taken through the New Westminster railway bridge.

Although there has been a big drop in the number of vessels going above the bridge, it is impossible to estimate the number that did not go because of the restrictions on the bridge-aft type."

We passed this letter, my lord, to the Marine Works Branch for their information for whatever reason they had asked us for it.

Q. You would not know that?

A. We would not know this, no.

MR. JACQUES: Might we file this letter as Exhibit 1170, a letter dated August 31st, 1962.

---EXHIBIT NO. 1170: A letter dated August 31st, 1962 from J. Warren to Captain D.R. Jones.

COMMISSIONER SMITH: Captain, might I inquire if that is the sum total of all the information the Department had or whatever they had in connection with the large bridge-aft ships passing through a railway bridge? The reason I asked that is this: I had a lot of questions that I picked out of the







1 transcript to bring up but it would be senseless, my  
2 lord, to bring it up if the Department has not any  
3 more information or knowledge officially, I mean,  
4 than what the witness has just stated.

5 THE WITNESS: We do not have any more  
6 information in the pilotage section, my lord. This is,  
7 as I have repeatedly stated, not our business. It  
8 was a matter between the pilots and their authority.

9 COMMISSIONER SMITH: Well, under those  
10 circumstances, my lord, I do not think I want to pursue  
11 the matter further except this: I want to vary a  
12 previous statement I made about a memo by Captain  
13 Scott suggesting a cluster of piles at the bridge to  
14 divert ships, I think, to the starboard when passing  
15 through the bridge. I think I mentioned that he  
16 took it up with Captain Gilley and others. I want  
17 to correct that. I am not sure whether he mentioned  
18 Captain Gilley or any of the pilots' names individually  
19 or not. I think what he said in the memo was he  
20 had taken it up with the New Westminster pilots but  
21 there was no conclusion reached as to whether it  
22 was a proper aid to navigation at that point or would  
23 cure the effect or not, so I just want to make that  
24 clear.

25 MR. LANGLOIS: May I suggest that Captain  
26 Eddy would be available to give evidence on that  
27 point.

28 COMMISSIONER SMITH: Thank you.

29 MR. JACQUES, Q: Would you have any other  
30 comments to make on the problem of having an approach





1 for ships to the bridge?

2 A. No, my lord. I would not want to make  
3 any more comments.

4 THE CHAIRMAN: Are you aware yourself of  
5 the difficulties there are? Have you seen the bridge?

6 THE WITNESS: Only through Captain Eddy,  
7 my lord. I saw it during the hearings in Vancouver  
8 at a distance but I didn't go through it on a ship  
9 but I think probably the Commission knows a lot  
10 more now about it than we do.

11 THE CHAIRMAN: To your knowledge are there  
12 any thoughts being given to alleviate the situation  
13 or to help to find a remedy?

14 THE WITNESS: We have heard nothing further  
15 about it.

16 THE CHAIRMAN: As far as you are concerned  
17 would your Marine Works Branch consider this suggestion  
18 by Captain Scott as an aid to navigation and therefore  
19 take the responsibility for it?

20 THE WITNESS: It would depend upon it as an  
21 aid to navigation in the sense it is used in our  
22 Marine Works Branch referring to lighthouses and  
23 buoys and such things. Now, if this cluster of piles  
24 that Captain Scott recommended was intended to be a  
25 guide to help the pilots to line up the channel, then  
26 it might be looked upon in place of a buoy.

27 COMMISSIONER SMITH: As I recollect, I haven't  
28 got the memo here, it was a guide to help the pilot  
29 turn the ship, manoeuvre the ship around to starboard.

30 THE WITNESS: If it were intended as a spring







1 pile, as we call them, that the ship could lean against  
2 on a turn, this would not be the Aids to Navigation  
3 Branch. This would be the owners of the bridge or at  
4 least through the Public Works Department. This would  
5 be a construction having to do with an existing  
6 structure.

7 THE CHAIRMAN: Like a breakwater.

8 THE WITNESS: Yes, my lord. There were  
9 this type of cluster of piles, as I recall, in that  
10 bridge opening, were there not? Were there clusters  
11 of piles there, Mr. Duncan?

12 MR. DUNCAN: No.

13 THE WITNESS: My memory is failing. You do  
14 see them in approaches to bridges. This is perhaps  
15 what Captain Scott has in mind.

16 COMMISSIONER SMITH: It may be.

17 THE CHAIRMAN: Is the next question going to  
18 be long, Mr. Jacques?

19 MR. JACQUES: I wouldn't know, my lord. I  
20 know the questions but not the answers.

21 THE CHAIRMAN: But you know generally before  
22 how long it is going to be.

23 THE WITNESS: This is a very quick one, my  
24 lord.

25 MR. JACQUES, Q: Question No. 6 is the  
26 role played by the Department in the preparation of  
27 the by-law?

28 A. The answer to that is exactly the same  
29 as any other districts in which the Minister is not  
30 the pilotage authority. We are the go-between between





1 the authority and the Privy Council and the Governor-in-  
2 Council and as such we have assisted in putting the  
3 by-laws in shape for presentation to the Privy Council  
4 and that is what we did. In this particular case we  
5 actually drafted them on behalf -- to help the local  
6 authority to save time but the by-law was still  
7 officially made by the local authority, signed by the  
8 members of the local authority and then we passed it  
9 on to the Privy Council.

10 MR. JACQUES: Thank you.

11 THE CHAIRMAN: We will adjourn now until this  
12 afternoon at 2:00 o'clock.

13 ---Luncheon adjournment.

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1 ---On resuming at 2:30 p.m.

2 THE WITNESS: My lord, may I give the Commission  
3 some information here which has to do with the tonnages,  
4 as an indication of the difference that the open and  
5 closed shelter deck procedure makes?

6 I have two instances here. I don't want to  
7 file these documents because they are the only ones  
8 we have, but this will be fully explained in the paper  
9 which I will present later.

10 THE CHAIRMAN: All right.

11 THE WITNESS: But just as a matter of figures,  
12 I have one ship called the MONTCALM, a British cargo  
13 ship. Her tonnage in this open shelter deck is gross  
14 5006; in the closed shelter deck condition the gross  
15 tonnage is 6949; which is a difference of 1943 tons.

16 THE CHAIRMAN: Almost two thousand.

17 THE WITNESS: Yes, almost two thousand. In  
18 the net register it is 2615 in the open shelter deck  
19 condition and 3875 in the closed shelter deck condition,  
20 a difference of 1260.

21 THE CHAIRMAN: Roughly a third different.

22 THE WITNESS: Almost half.

23 THE CHAIRMAN: I mean gross?

24 THE WITNESS: Yes. The difference in the  
25 differences -- the difference between the differences --  
26 is the fact that with the closed or the open shelter  
27 deck you are making a difference in the measurement  
28 of the engine room, too, and this means that the same  
29 difference does not exist between the gross tonnages  
30 as between the net tonnages. In this case there is







1 more of a difference between the gross tonnages.

2 There is another ship called the LA SILVA,  
3 a British cargo ship. In the open shelter deck  
4 condition her gross tonnage was 7014; in the closed  
5 condition, 9407; a difference of 2393. In the net  
6 tonnages, in the open shelter deck condition, 3821  
7 and in the closed shelter deck condition, 6094; a  
8 difference of 2273.

9 I thought the Commission would be interested  
10 in those figures now, but I will present a paper later  
11 on.

12 THE CHAIRMAN: Thank you.

13 MR. JACQUES: In order that people may read  
14 with more ease the transcript of evidence given during  
15 the Ottawa hearing we will file a copy of the questions  
16 which I have put to the witness, because sometimes  
17 they are with reference to numbers. Question No. 22,  
18 Vancouver -- nobody would know what that means unless  
19 they looked up the paper; so that will be filed later  
20 on.

21 Q. To come back to New Westminster, we had  
22 reached question 7. This refers to a superannuation  
23 plan for the district. This is taken from volume 11,  
24 page 1352.

25 A. I see the question is: Why approved  
26 by D.O.T. and were some modifications suggested or made  
27 by D.O.T. on plan? Well, here again this superannuation  
28 plan didn't have to be approved by D.O.T. Whatever  
29 action we took in it was just in an effort to be  
30 helpful; and we brought in the actuaries of the





1 Department of Insurance and actually what was done was  
2 to pass the advice of the actuaries to the New  
3 Westminster pilots; and this was the action of the  
4 Department in it.

5 Q. It was just a service you were rendering?

6 A. This is correct.

7 Q. The next question concerns the stoppage  
8 of work in 1959. What was the role of the Department  
9 and how did it come that it was brought into this  
10 dispute? Reference is made to volume 13 of the evidence,  
11 pages 1674 to 1676.

12 A. Well, we have already touched on some  
13 of this in the previous question -- the question about  
14 the taking over of the pilot boat in 1959.

15 As I explained before, the Department had  
16 told the New Westminster people that it was the  
17 intention to take over the expense of the pilot boat,  
18 but there was still the question of whether or not  
19 the Minister would become the pilotage authority  
20 completely, and then when the Order-in-Council of  
21 August 27th was approved by the Governor-in-Council ---

22 Q. August, 1959?

23 A. 1959; --- was approved, which first  
24 gave the right to assume the expense for the pilot boat,  
25 this Order-in-Council, as we saw, covered also five  
26 other districts, and we didn't want, if we could, to  
27 put this new measure into effect in all the districts  
28 about the same time. However, the pilots were  
29 rather impatient on this and we suddenly heard that  
30 they had stopped work.

The first part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present. The author then goes on to discuss the various factors which have shaped the development of the United States, including the influence of the British, the Spanish, and the French. He also discusses the role of the American people in the creation of the nation. The paper concludes by stating that the study of the history of the United States is a task of great importance, and that it is one which should be undertaken by all who are interested in the future of the country.





1 Now, again, this was not strictly our  
2 business. The Minister was not and still is not the  
3 pilotage authority for New Westminster; but we were  
4 dragged into it by means of pressure put on even at  
5 the Prime Minister's office by the mayor of New  
6 Westminster, as I recall. So the action was effective;  
7 the whip was cracked and action was taken, as usual,  
8 and we did manage to get authority immediately to  
9 start paying for the New Westminster boat on condition  
10 that they collected \$10.00 every time for transmission  
11 to the Department. This was done -- this was  
12 commenced even although the necessary Order-in-Council,  
13 or the required Order-in-Council, was not passed.

14 This was the part that the D.O.T. played in  
15 it, and this was how we came into the picture.

16 I may say, my lord, that this dispute did  
17 not only entail the takeover of the pilot boat. There  
18 was a question of pilotage rates as well at the time  
19 which were in dispute between the pilots and the  
20 pilotage authority of New Westminster and the Vancouver  
21 Chamber of Shipping.

22 Q. Were you advised some time prior to  
23 the stoppage of work that there would be a stoppage  
24 of work unless action were taken?

25 A. We were warned that there might be, but  
26 it still was not our business. This was still a  
27 matter between the authority and the pilots whom they  
28 were supposed to be controlling.

29 As far as the pilot boat was concerned, as  
30 I say this was intended to be put into effect at the





1 same time as in other districts. As it was, it was  
2 not put into effect at the same time as the other  
3 districts; it got special consideration because of  
4 this coercion.

5 Q. But was there not verbal assurance that  
6 the boat operation would be taken over at a given  
7 date?

8 A. I have no record of that, but it is  
9 quite possible that the person who gave the verbal  
10 assurance had not doubt that it would be put into  
11 effect on that date. But the intention was to take  
12 it over as soon as could be arranged.

13 MR. LANGLOIS: Was not this verbal assurance  
14 given as early as January 1959 at a meeting in Ottawa,  
15 by Mr. Cumyn -- February, 1959?

16 THE WITNESS: And did Mr. Cumyn at the time  
17 say that it would be in effect in April? Well, as I  
18 say, Mr. Cumyn, I am sure, gave this assurance in  
19 good faith, but events proved him wrong.

20 MR. LANGLOIS: My lord, this point is in  
21 evidence already at page 1675 of the transcript,  
22 volume 13.

23 MR. JACQUES: This is from Captain Gilley's  
24 testimony, and it reads as follows:

25 "The Department of Transport  
26 were going to assume their  
27 obligations as specified, April  
28 1st, 1959."

29 A. My lord, I am afraid I can't give  
30 evidence on this, but the fact still remains that the





1 authority to take over, to include New Westminster in  
2 the boat scheme at all, was not given by the Privy  
3 Council until August 27th, so obviously Mr. Cumyn's  
4 efforts in this regard failed. But I am quite sure  
5 that the assurance was given in good faith.

6 MR. LANGLOIS: I am not questioning the  
7 good faith of Mr. Cumyn at all.

8 THE WITNESS: I should remind your lordship  
9 that this was a precedent and it was quite a step  
10 forward, or backward, as the case may be; but it wasn't  
11 easy to get this measure through at all; and I think  
12 we were just lucky to get it through by the end of  
13 the year.

14 MR. LANGLOIS: Was it not that at the time  
15 the Department considered the possibility of taking  
16 over the district as pilotage authority -- the Minister  
17 taking over the district as the pilotage authority?

18 THE WITNESS: Well, my lord, we were aware  
19 of the desire of the pilots that the Minister should  
20 take over. And may I say that this I don't quite  
21 understand, considering the things we have heard  
22 about the Department of Transport in the last twelve  
23 months; but the pilots were anxious to have the  
24 Minister of Transport as the pilotage authority of  
25 the district; and the thing had been well considered,  
26 but the final result was that the Minister of that  
27 day did not feel that he was prepared to take on this  
28 added responsibility.

29 MR. LANGLOIS: So the taking over of the  
30 pilot boat by the Department was not the first step







1 towards taking over this pilotage authority?

2 THE WITNESS: No; it might be that. We are  
3 still not ruling out the possibility that the Minister  
4 of Transport will be prepared to take over that  
5 district.

6 MR. JACQUES, Q: But at the time it was  
7 not considered it would be a step to be taken, this  
8 being followed by another one?

9 A. No, it was compromise. It was a way  
10 to assist the district without the Minister becoming,  
11 shall I say, responsible for the handling of these  
12 troublesome pilots!

13 But I must say that this did not take place  
14 at a very good time if the pilots did want the Minister  
15 of Transport to take over.

16 COMMISSIONER SMITH: Captain, would your  
17 department know anything about this question: Captain  
18 Gilley gave some evidence with regard to so-called  
19 man-made fog caused by vapour from the refining and  
20 reduction plants at Stevenson for a distance of 2½  
21 miles westward from abeam Stevenson. Would you  
22 have any knowledge of that, or was it brought to your  
23 attention and, if so, did you do anything?

24 THE WITNESS: No, it wasn't brought to our  
25 attention, but this is a very common thing. We have  
26 this condition on the Great Lakes, as you know, quite  
27 frequently, and on the Great Lakes they are working  
28 towards air-pollution; they have something in Detroit  
29 and Windsor and so on.

30 COMMISSIONER SMITH: Would this be vapour from





1 the refining plants?

2 THE WITNESS: It is smoke, I would imagine.

3 CAPTAIN GILLEY: It is not smoke; it is  
4 vapour in our case.

5 THE WITNESS: This is something that does  
6 occur in these rivers and so on where there are  
7 industries along the banks. This would be a local  
8 problem for the local community.

9 COMMISSIONER SMITH: Is there anything that  
10 can be done about it by anybody?

11 THE WITNESS: It could be done by the local  
12 authority -- in this case, the Fraser River Harbour  
13 Authority, or, rather, the New Westminster Harbour  
14 Authority. But they have had laws dealing with this  
15 in Detroit for thirty years, at any rate, to my  
16 knowledge, where there are watch towers watching  
17 smoke coming from chimneys, and there is a heavy fine  
18 for any chimney emitting black smoke -- well, the  
19 chimney doesn't have to pay the fine, but the people  
20 who are running it have!

21 COMMISSIONER SMITH: It seems that according  
22 to Captain Gilley 90 per cent of the pilotage there  
23 is at night and that they have a lot of fog from the  
24 first week in October until the end of March, and it  
25 would seem to me a little too much to have something  
26 like vapour caused by an industrial plant further  
27 interfering with the vision of the pilots in  
28 navigating ships in the river.

29 --

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1 THE WITNESS: Well, of course, Mr. Smith,  
2 this is what causes smog, of course.

3 COMMISSIONER SMITH: Yes.

4 THE WITNESS: And they have this same problem  
5 in Los Angeles and other places like that and the  
6 pilots there have to contend with it. This is  
7 something -- this is one of the hazards of navigation.

8 COMMISSIONER RENWICK: May I interject that  
9 the answer might be to close down the industries and  
10 of course that will close the pilotage too. The two  
11 go hand in hand and if the industries do not operate,  
12 the pilots do not operate.

13 THE WITNESS: This is the point, my lord.  
14 There are many hazards attached to the work of  
15 pilots and this is the expertese of these men that  
16 they are able to contend with the local conditions  
17 and surmount them and they do. I don't think we  
18 can get very far in trying to rearrange local  
19 conditions to make things easier for pilots.

20 THE CHAIRMAN: If you could succeed, why then  
21 you could dispense with pilots.

22 THE WITNESS: Maybe the pilots would not  
23 agree to that.

24 THE CHAIRMAN: Since we sat in New Westminster,  
25 have there been any changes in the by-laws?

26 THE WITNESS: Since last spring?

27 THE CHAIRMAN: Yes.

28 THE WITNESS: Maybe Mr. Gilley would refresh  
29 my memory.

30 MR. GILLEY: None, no sir.





1 THE CHAIRMAN: I have a few questions I am  
2 going ask Mr. Gilley on that when he comes to the stand.

3 MR. JACQUES, Q: Question No. 9 dealing  
4 with the reasons why this was not taken over by the  
5 Minister has been answered. There is a reference ---

6 MR. LANGLOIS: No reasons were given.

7 MR. JACQUES, Q: The next question is who  
8 discontinued the payment to each member of the  
9 authority in 1959?

10 A. When you say "who discontinued them"  
11 the local pilotage authority did continue it but it  
12 was at the instigation of the Department of Transport.

13 Q. Why?

14 A. We noticed in our ordinary duties  
15 of scrutinizing the annual report that  
16 was being made to a local commissioner then we pointed  
17 out to them this was not provided for in the Canada  
18 Shipping Act and they discontinued it.

19 Q. Do you have any other comments to make  
20 with respect to New Westminster?

21 A. No. Perhaps

22 I should say on that point that we just  
23 left that I happened to be the man who discussed this  
24 with the Commissioners at the time in January 1957,  
25 and the Commissioners agreed immediately to forgo  
26 this and told me that they had followed this practice  
27 at the suggestion of the pilots. At least at the  
28 suggestion I have here, or with their concurrence,  
29 but this should not make any difference, of course.

30 MR. JACQUES: My lord, I have no further





1 question with respect to New Westminster.

2 THE CHAIRMAN: I would Like Captain Gilley  
3 to be brought up to clear the picture of New  
4 Westminster.

5  
6 H.L. GILLEY, sworn

7 DIRECT EXAMINATION BY MR. JACQUES:

8 Q. You are the president of the Pilots  
9 Committee for New Westminster?

10 A. No, Mr. Jacques I am not. Captain Clark  
11 is the chairman. I am only here representing the  
12 pilots.

13 MR. LANGLOIS:

14 MR. JACQUES, Q: As senior pilot?

15 A. Yes.

16 Q. With respect to the traversing of the  
17 Fraser River bridge with a bridge-aft vessel,  
18 exceeding 350 feet in length, are there any changes  
19 since the Commission has been there?

20 A. No.

21 Q. Are there any amendments to the rules  
22 you have adopted and which have been filed as  
23 Exhibit 150.

24 A. There have been no changes since the  
25 hearing in New Westminster last spring.

26 Q. Have there been any meetings or  
27 discussions between the pilots and the port authority  
28 in that respect?

29 A. Yes, to a degree there have been. The  
30 Harbour Master comes in on occasion and we review the







1 situation but he has not recommended any changes and  
2 we cannot make any changes. We feel that these  
3 recommendations as laid down, there have been no  
4 changes in navigation problems since, as far as the  
5 bridge structure is concerned so we just have to  
6 leave them as they are.

7 Q. No attempt has been made to devise a  
8 method of taking these ships through?

9 A. None, sir. We feel we have covered  
10 that ground before and that there is no where else  
11 we can look.

12 COMMISSIONER SMITH: Perhaps I may clarify  
13 a little statement I made this morning in quoting the  
14 late Captain Scott who provided a memo in connection  
15 with the navigation of the large bridge-aft ships  
16 through the railway bridge. This is what he said:

17 "It would help to drive  
18 a system of gulf clusters  
19 which would serve to funnel  
20 vessels into the narrow  
21 aperture and they agreed."

22 "They" being the pilots, but they didn't know how it  
23 could be accomplished. That was the gist of the  
24 reference which Captain Scott made to that question.

25 THE WITNESS: In regard to that testimony  
26 the late Captain Scott, I know it was discussed at  
27 the hearings, not during the hearings, but in  
28 attendance with Captain Scott. He wanted to make a  
29 trip, a passage through the bridge on a ship which  
30 he did while he was there. He told the pilots, it is





1 my understanding, after he got through the bridge  
2 that he could see where his scheme of driving holdings  
3 for sheer booms was quite impracticable. That is  
4 the words I got from the pilot. There has been  
5 no further discussion of that with the pilots or  
6 among the pilots since that time.

7 COMMISSIONER SMITH: Was it the pilots that  
8 said it was impractical?

9 THE WITNESS: No, it was the late Captain  
10 Scott.

11 THE CHAIRMAN: What do you think about it  
12 yourself?

13 THE WITNESS: I feel it is impractical,  
14 your lordship. If there is any solution at all  
15 that we could arrive at, we could certainly help the  
16 Department of Public Works or the authorities who  
17 own the present bridge, which is the Dominion  
18 Government. They have not come to us to ask for too  
19 many suggestions but we are not in a position to  
20 give them any because we haven't got any suggestions.

21 THE CHAIRMAN: The dredging of the island  
22 there, would that do anything?

23 THE WITNESS: Well, your lordship, it would  
24 help to get the vessels up, make it easier to get  
25 them up.

26 THE CHAIRMAN: Yes.

27 THE WITNESS: But as I stated in previous  
28 evidence they have always got to come down and the  
29 vessel down is the hardest part of our work,  
30 particularly at this time of the year during the freshet







1 time when the tide is running  $7\frac{1}{2}$  knots.

2 Our job is not too tough getting that ship  
3 up especially to Fraser Mills. It can be done but  
4 as I said there are a good many times even in the  
5 winter months when we cannot get a slack water period  
6 during daylight hours. That is when the bridge has  
7 to be traversed, in daylight hours only. That has  
8 been in effect ever since I have been there. There  
9 has never been any time where the vessel has traversed  
10 the bridge after dark.

11 COMMISSIONER RENWICK: Do you always come  
12 down the south channel?

13 THE WITNESS: Always. That is the regulations  
14 of the harbour.

15 COMMISSIONER RENWICK: Could that be changed?

16 THE WITNESS: When I say "always", we get  
17 special dispensation on rare occasions to bring a  
18 ship down the north channel. That is contrary to the  
19 Harbour Board Regulations so we asked the Harbour  
20 Master for a special dispensation. He in turn notified  
21 the bridge tender that a ship is leaving Fraser Mills  
22 on flood tide and coming down the north channel.

23 COMMISSIONER RENWICK: Does that cut out a  
24 lot of the trouble?

25 THE WITNESS: No. It just happened that the  
26 ship is starboard side at Fraser Mills. She has to  
27 go down that way otherwise she would have to be towed  
28 and pushed around astern first and then proceed down  
29 the south channel.

30 COMMISSIONER RENWICK: My point is that: If





1 there is an easier way which could be effected, the  
2 regulations could be changed.

3 THE WITNESS: The regulations could be changed  
4 but it isn't an easy way by any means. It is only,  
5 well, let me say, a matter of convenience for the  
6 pilots and it is the best way to get the ship up at  
7 that particular stage of the tide.

8 I might add that has not been in practice  
9 now since, oh, in the last fifteen or eighteen years  
10 because we cannot get a ship starboard side up at  
11 Fraser Mills if we have to wait until the flow water  
12 slack or ebb tide to proceed through the present bridge.  
13 Consequently we come up the north channel and the  
14 ship is always port side to the dock.

15 COMMISSIONER RENWICK: It wouldn't help to  
16 take the bank off the side, 800 feet off?

17 THE WITNESS: Not as far as navigating the  
18 bridge is concerned. It would make it easier if they  
19 took more off the bank. It would make it -- relieve that  
20 sharp turn we have to make to get ---

21 COMMISSIONER RENWICK: That is what I had in  
22 mind.

23 THE WITNESS: Yes, it definitely would for  
24 the conventional type of ship or any ship at all, it  
25 would definitely make navigation easier and not so  
26 risky.

27 COMMISSIONER RENWICK: My thinking has been  
28 entailed around the new type of carrier which is  
29 becoming so well known and almost the universal type  
30 of carrier for lumber and seeing them handled in all





1 the other parts of Canada it still bothers me to see  
2 why they cannot be handled some way in New Westminster.

3 THE CHAIRMAN: Any further questions?

4 You mentioned before that there were no  
5 changes in the by-laws since we were there. They are  
6 still the same?

7 THE WITNESS: That is correct, your lordship.

8 THE CHAIRMAN: Is there any change in the  
9 strength of pilots?

10 THE WITNESS: No, the staff remains the same.

11 THE CHAIRMAN: Any change in the overall  
12 situation?

13 THE WITNESS: The overall situation, actually,  
14 I do not see any change. The Department of Public  
15 Works is keeping more up with their dredging and we  
16 have noticed improvements by the continuous dredging  
17 since the last freshet time. They have been keeping  
18 their dredges operating more in the wintertime than  
19 they did before now, mostly on the main channel but  
20 it affects us and that end of it is very satisfactory,  
21 as far as the pilots are concerned.

22 THE CHAIRMAN: I do not suppose we have the  
23 annual report for 1963?

24 THE SECRETARY: Yes sir, we have.

25 THE CHAIRMAN: Have you given it a number?

26 THE SECRETARY: I have already annexed the  
27 1963 annual report of the New Westminster Pilot  
28 Authority to Exhibit 149.

29 THE CHAIRMAN: Thank you.

30 MR. JACQUES: My lord, I should now like to file







1 as Exhibit 1171 a series of questions and answers  
2 concerning the Fraser River Railway bridge.

3 THE CHAIRMAN: From whom and to whom?

4 MR. JACQUES: Questions put to the Department  
5 of Public Works by the solicitor for Crown Zellerbach.

6 THE CHAIRMAN: And their answers together  
7 with the appendix to their answers.

8 MR. JACQUES: Yes.

9  
10 ---EXHIBIT NO. 1171: Series of questions and answers  
11 interchanged between the Department  
12 of Public Works and Crown  
13 Zellerbach, with appendixes thereto.

14 COMMISSIONER RENWICK: May I ask Captain  
15 Gilley a question?

16 THE CHAIRMAN: Yes.

17 COMMISSIONER RENWICK: I understand there is  
18 quite a new development in what they call Surrey  
19 Docks. Are there any problems there, Captain?

20 THE WITNESS: No problems other than the  
21 annual shoaling in freshet time. I understand it is  
22 the policy of the Harbour Commissioners who are the  
23 operators of that dock through the Federal Government,  
24 they are hoping to get the Department of Public  
25 Works' sanction to go ahead and have one of their  
26 dredges keep scowering at that when it shoals just  
27 the same as it is shoaling right now. They hope  
28 to have the dredge in there maybe a couple of days  
29 of week and just keep it scowered out and see if the  
30 freshet will not carry it away. In nearly every  
freshet it is shoaling. It has been known to shoal





1 for twenty-five feet and thirteen feet. Well,  
2 thirteen feet of water at the dock is not very good  
3 for any commercial vessel.

4 COMMISSIONER RENWICK: That is why I asked  
5 the question. I wondered what was going to happen  
6 there.

7 MR. LANGLOIS: Mr. Gilley, there were two  
8 mishaps which were made the subject of some publicity  
9 in the press. First there was the accident when a  
10 freighter travelled over or struck the fishing boat.  
11 Would you tell the Commission what happened in  
12 this case?

13 THE WITNESS: Actually, I have read the  
14 report but I could read the report aloud again, if  
15 you wish that?

16 MR. JACQUES, Q: Would you first tell us  
17 what appeared in the newspapers.

18

19

20 --

21

22

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--







1 A. Pardon, Mr. Jacques?

2 Q. Would you tell us what has been  
3 published in the paper -- if you recall?

4 A. Well, I believe I read the article in  
5 the Vancouver Sun showing a picture of this fishing  
6 vessel and the report then was that the operator of  
7 this vessel, which is --- The ship was supposed  
8 to have struck him in the vicinity of Tilbury. The  
9 operator said that there were a few crew members on  
10 the stern of the vessel who just waved to him and  
11 wished him the best. But that is not the report  
12 of the pilot or of the master.

13 Q. In brief what is the report of the  
14 pilot?

15 A. It is going to make it embarrassing  
16 for him if it ever comes up in court, because actually  
17 neither he nor the master nor the officer on watch  
18 on the bridge saw any fishing vessel in that close  
19 proximity to that ship.

20 MR. LANGLOIS: Do you have there a report?

21 THE WITNESS: Yes. The other report was  
22 on wash damage when the vessel tied up in the vicinity  
23 of Woodward's Landing. The third ship, the SILVERGATE  
24 apparently caused heavy wash and the fishing vessel  
25 was thrown against a pier, which was not in proper  
26 condition for mooring a fishing vessel. That has  
27 been proven since because some officials of the  
28 lawyers and the pilots went down and examined this  
29 particular float and it was no place to tie a fishing  
30 vessel even in calm waters. It was jagged and the





1 wash **presumably** punctured the wood in the side of the  
2 fishing vessel.

3 MR. LANGLOIS: Were these two accidents made  
4 the subject of investigation by the Pilotage Authority  
5 of the Fraser River?

6 THE WITNESS: Neither was the subject of  
7 investigation. The pilot just handed in his reports  
8 to the secretary and the secretary passed them on to  
9 our commissioners, but further than that I have not  
10 heard.

11 MR. LANGLOIS: Is it not a fact that the  
12 New Westminster Harbour Commissioners are considering  
13 laying charges against the fishing boat for obstructing  
14 the channel in the case of the accident to the  
15 TRAMPROVER?

16 THE WITNESS: That is correct. The harbour  
17 master gave us that. That is what they are hoping to  
18 proceed with.

19 MR. LANGLOIS: In the case of the SILVERGATE  
20 was there not a report issued by the Commissioners  
21 to the effect that there has been no speeding on the  
22 **part** of the ship?

23 THE WITNESS: That is correct, I believe.

24 MR. LANGLOIS: My lord, we have two reports  
25 of these accidents. Probably we should file them.

26 THE CHAIRMAN: That is all right.

27 THE WITNESS: The judgment of the court on  
28 this wash damage was that they could not find guilt on  
29 anybody's part so there was no decision handed down.

30 MR. LANGLOIS: These will be the reports.





1 THE WITNESS: The SILVERGATE wash damage.

2 MR. LANGLOIS: Reports of the pilot Spier  
3 to the New Westminster District Pilotage Authority  
4 dated April 29th, in connection with the instance of  
5 the TRAMPROVER and the report of Pilot H.D. Whitehead  
6 to the same authority in regard to the accident, the  
7 wash damage of the SILVERGATE, same date.

8  
9 ---EXHIBIT NO. 1172: Accident reports as regards the  
10 TRAMPROVER and the SILVERGATE.

11 THE CHAIRMAN: So some court action was  
12 taken in the last instance. Do you know what kind  
13 of court action was taken, because they went before  
14 the judge, you said?

15 THE WITNESS: In the case of the SILVERGATE  
16 wash damage?

17 THE CHAIRMAN: Yes.

18 THE WITNESS: The municipality of Richmond,  
19 I believe it was, where this occurred laid a charge  
20 against the ship for speeding because they felt that  
21 it was excessive wash. So there was a court case,  
22 but nothing ever came of it. They were not able to  
23 prove guilt on the part of the ship.

24 THE CHAIRMAN: That is what I wanted to know.  
25 Are there any further questions from Captain  
26 Gilley?

27 MR. LANGLOIS: Is there anything else you  
28 want to add, captain?

29 THE WITNESS: Nothing.

30 THE CHAIRMAN: Thank you very much, captain.







1 ---The witness withdrew.

2 THE CHAIRMAN: You will file now this  
3 document?

4 THE SECRETARY: It is 1172.

5 THE CHAIRMAN: Before we go further, we have  
6 made reference very often to questions number so and  
7 so. This is because we have in front of us questions  
8 prepared by the Commission counsel and some prepared  
9 by me also. Those reading the evidence will not  
10 know what it is all about. So for information  
11 purposes we are going to file these questions as  
12 an exhibit.

13 Mine, which covered only British Columbia,  
14 are going to be annexed to those of our Council for  
15 British Columbia, so the whole document is going to  
16 be filed as exhibit number, ---

17 THE SECRETARY: 1173, if my lord wishes.

18 ---EXHIBIT NO. 1173: Prepared questions of the  
19 Chairman and Commission counsel  
20 regarding British Columbia.

21 MR. JACQUES: My lord, I am now ready to  
22 proceed with Halifax.

23 CAPTAIN SLOCOMBE, recalled

24  
25 DIRECT EXAMINATION BY MR. JACQUES; continued:

26 Q. Captain, question No. 1 concerns the  
27 views of your Department on the conclusions of the  
28 brief, so it may be put aside for the moment.

29 Question No. 2 concerns radio telephones  
30 which were supplied to the Halifax pilots. The evidence





1 is to the effect that these telephones were of too  
2 great a weight to be carried around?

3 A. Yes. I understand, my lord, these do  
4 weigh thirteen pounds actually. We just have no  
5 authority yet to incur any greater expense on this  
6 matter. It is very expensive to get lighter ones --  
7 if they are available.

8 THE CHAIRMAN: I understand that they were  
9 the best ones on the market at the time?

10 THE WITNESS: That is right, sir. I may say  
11 I tried one of these myself in Vancouver when we  
12 first provided them and I found it heavy. I carried  
13 it on my shoulder and it did make a mark on my shoulder.  
14 I carried it from the docks up to the hotel at about  
15 2:00 o'clock in the morning and I had a mark on my  
16 shoulder. So I do understand; but it is a matter of  
17 funds, again, sir.

18 MR. JACQUES, Q: Was any training given  
19 to the pilots in the use of this type of radio  
20 telephone?

21 A. I do not think "training" would be the  
22 word to use in this case. Instructions would be given  
23 with them -- you press a button and talk and so on.  
24 Even I did not find any difficulty with it.

25 MR. LANGLOIS: Was not a type of radio  
26 telephone suggested by the British Columbia pilots?

27 THE WITNESS: These are the ones that we  
28 understand cost about a thousand dollars a piece.  
29 They are very light and it would be very nice if we  
30 could have them, but there is no approval yet to incur







1 such expense.

2 MR. LANGLOIS: By whom are they made?

3 THE WITNESS: Motorola, I understand, so I  
4 assume this is a similar set to what we saw down in  
5 B.C., in Baie Comeau, Port Cartier.

6 THE CHAIRMAN: The Commission has seen in  
7 Montreal while visiting R.C.A. Victor the type of set  
8 they are using there, which is very expensive --  
9 Marconi. But they are very expensive.

10 THE WITNESS: It is a matter of expense, my  
11 lord. It would be very nice if we could supply a  
12 light one to every pilot, but the time has not yet  
13 arrived.

14 MR. LANGLOIS: Have you tried the Japanese  
15 market?

16 THE WITNESS: In this we have to be guided  
17 by the Tely-con Branch.

18 COMMISSIONER RENWICK: Are they interchangeable?  
19 Could you use a Motorola on the top of the old thirteen-  
20 pound type? Could you make a small appropriation  
21 and work into it? Can they work in teams; that is  
22 my question?

23 THE WITNESS: If they are on the same wave  
24 length I assume they could, Mr. Renwick. But we  
25 just have not got any money for radio telephones now.

26 MR. JACQUES, Q: With respect to training  
27 I should like to read an extract from Captain Crook's  
28 evidence, volume 28, page 3110. I quote:

29 "I can only speak from  
30 my own personal experience of the





1 phones. I try to keep an open  
2 mind in using them. I have  
3 carried them on three  
4 different occasions and I have  
5 never been able to use them.

6 Now the first time I had  
7 them I was so busy trying to  
8 get the thing operative I found  
9 myself overshooting the dock  
10 of the harbour. I never could  
11 get the thing working. I gave  
12 it up that day.

13 Another time I think it was  
14 a large tanker. I had a set. I  
15 <sup>it</sup> could work/in our office, but I  
16 could not get the tug boats. I  
17 could speak to them normally the  
18 way I am speaking now, but we  
19 finally had to give it up because  
20 I was approaching the dock by  
21 that time. I had to use normal  
22 uses, the ship's whistle, and my  
23 own pocket whistle.

24 Another time I had a phone  
25 and when I tried to use this the  
26 tug had not been fitted as yet."

27 Of course the last two instances have  
28 nothing to do with training, but the first one rather  
29 worries me because a pilot was given a telephone set  
30 and apparently was not able to operate the set.





1 A. Well, my lord, as far as I recall there  
2 was not anything that would warrant training. I quite  
3 agree that it might take practice. I do not use  
4 radio telephones myself and there is the fact that  
5 you forget to press the button when you talk and so  
6 on. I do not know much about it and if I were trying  
7 to dock a ship I am afraid I would find it a nuisance  
8 at first; but it is a matter of familiarity with the  
9 machine, you might say.

10 MR. LANGLOIS: My lord, Captain Crook tells  
11 me the set was out of order. It was not because he  
12 was not able to operate the set; it was out of order.

13 THE WITNESS: This is possible too. They  
14 do go out of order. As we all know with our  
15 television sets and radio sets at home some little  
16 thing can put them out of order.

17 THE CHAIRMAN: And these are battery operated?

18 THE WITNESS: Yes, sir.

19 THE CHAIRMAN: And the battery could run  
20 down.

21 Are there any further questions on this one?  
22 Go ahead.

23 MR. JACQUES, Q: The next question is  
24 Question No. 3 with respect to deduction of income tax  
25 at source.

26 A. This is by arrangement with the income  
27 tax office, the local income tax office, and the  
28 Department sees no reason to interfere with this or  
29 forbid it in any way. It is a convenience to the  
30 pilots and if the Income Tax Department is willing







1 to do this and accept it, we see no reason to interfere.

2 As to the caption "employer" on the T.4  
3 slip, this is presumably not a legal term but merely  
4 indicates the person or party who is making the  
5 deduction and passing the form to the Income Tax  
6 office.

7 Q. That is all you would consider it?

8 A. Yes.

9 Q. Question No. 4 -- why has the unofficial  
10 leave system not been inserted in the by-law?

11 A. There is a by-law covering leave and  
12 this is the official leave which a pilot is required  
13 to have or is entitled to. What is referred to here  
14 as the "unofficial leave system" is merely an  
15 arrangement among the pilots themselves for covering  
16 over for each other. While there are the number of  
17 licensed pilots to make this possible we have no reason  
18 to say they must not do it, as long as the job is  
19 being done.

20 Q. Why is it not inserted in the by-law?  
21 It works. Everybody is satisfied. Why not give it  
22 the function of a by-law?

23 A. This has never been considered. It  
24 would not look --- I do not think the pilots would  
25 want this, Mr. Jacques. It would not look very good  
26 to have half a year leave, a week on and a week off,  
27 whatever it is. You would not want this in a  
28 by-law.

29 Q. Depending upon which district?

30 A. Yes. The pilots are after all doing the





1 work and when one group is off the other group are  
2 performing the work that would be done by that group.

3 MR. LANGLOIS: I think it was put in  
4 evidence, my lord, that this was not even leave. They  
5 still stand by. They can be called any time.

6 THE CHAIRMAN: The same thing is in Saint  
7 John, that the third week is on stand by.

8 MR. LANGLOIS: And it is only in the winter  
9 months or so.

10 THE CHAIRMAN: Summer months, you mean.

11 MR. LANGLOIS: Summer months.

12 THE CHAIRMAN: It is very similar to Saint  
13 John again because it is dictated by the closure of  
14 the St. Lawrence River in the winter time, so the  
15 traffic of the St. Lawrence River is diverted to  
16 Halifax, to Sydney and to Saint John.

17 THE WITNESS: I think the answer to that  
18 is that we would not want to make it even sound  
19 official. This is an internal arrangement among the  
20 pilots themselves and as long as the work is being done  
21 and the service does not suffer from it there is no  
22 reason for us to interfere.

23 THE CHAIRMAN: It would be like placing the  
24 St. Lawrence River pilots on leave during the winter  
25 months.

26 THE WITNESS: Yes, I suppose so, yes.

27 MR. LANGLOIS: My lord, they have a similar  
28 arrangement in Quebec.

29 THE CHAIRMAN: I know.

30 MR. JACQUES: Q: The next question deals with







1 the record of pilots' work load. It is in evidence  
2 that it was discontinued in Halifax.

3 A. Yes, my lord. This record of pilots'  
4 work load was instituted in order to support or to  
5 disprove the pilots' contention that they were over-  
6 worked. And they were working very hard. We had to  
7 get some information, or exact information on this,  
8 so this form was devised to obtain this information.  
9 We continued its use long enough to obtain a sufficient  
10 body of information.

11 When I was down in Halifax at a later date  
12 the pilots made clear to me that they did not like  
13 it and I decided that, well, we had enough information  
14 anyhow; there was no need to keep on this clerical  
15 work if it was a nuisance. So we discontinued it.

16 Q. How would you obtain today data on  
17 the work load of pilots?

18 A. We could not without instituting such  
19 a thing again, except that the source cards,  
20 of course, give us the actual time on board ship.  
21 But this was instituted to get the complete story of  
22 when a pilot went on duty and when he came off -- not  
23 only the time he was actually on board the ship.

24 Q. So the next time you have a request for  
25 an increase in the number of pilots in Halifax how  
26 are you going to judge the validity of their claim?

27 A. We will be able to judge by whether  
28 there has been increase or decrease in traffic since  
29 the time this information was obtained. Otherwise  
30 we would have to institute this again for a month





1 or so and just see ---

2 Q. What goes on?

3 A. What goes on, yes.

4 Q. Now, this policy of discontinuing the  
5 use of this record of pilots' workload -- is that  
6 applicable to Halifax only, or is it a general policy  
7 covering all districts?

8 A. I don't think we use it anywhere else.  
9 Is it in use in Saint John?

10 Q. In Saint John, New Brunswick, the  
11 evidence is that it is in use.

12 A. There is, of course, an argument going  
13 on in Saint John. But we have no desire to multiply  
14 paper work. Once there is no further need for  
15 anything like that I would say we would wish to have  
16 it discontinued.

17 MR. LANGLOIS: And is this information  
18 discarded by the Department?

19 THE WITNESS: No, it is still on the file,  
20 Mr. Langlois.

21 MR. JACQUES, Q: And would it show the time  
22 that the pilot spent actually on the job from the  
23 time he left his home until the time he returned to  
24 his home?

25 A. I think it is from the time he boarded,  
26 or reported and boarded the pilot boat.

27 Q. Boarded the pilot boat?

28 A. Yes. Perhaps Captain Crook can correct  
29 us on this if we are wrong. I think it was the time  
30 when the pilot boat was boarded to the time when the





1 pilot left the pilot boat again.

2 THE CHAIRMAN: We are going to check whether  
3 there is any copy in evidence.

4 MR. JACQUES: Exhibit 350, my lord; Exhibit  
5 351; and a description is contained in volume 27 at  
6 pages 2932 and 2933.

7 THE CHAIRMAN: Then, there is given a  
8 description of it?

9 MR. JACQUES: Yes; and if I may say so, it  
10 contains a breakdown as to the time at the ship, time  
11 travelling, time on assignment list and time on leave.

12 THE CHAIRMAN: I think we have a good example  
13 of that in the Saint John exhibit.

14 MR. JACQUES: Yes, my lord. The type of form  
15 filed in Saint John and Halifax, since the form was no  
16 longer in use, the data on this work load was obtained  
17 through the local pilot boat and the source form and  
18 tabulated by the superintendent; and that has been  
19 filed as Exhibit 351.

20 THE CHAIRMAN: I shouldn't wish to continue  
21 questioning Captain Slocombe until we can dig up the  
22 Saint John example. Would you like to have it?

23 Will you try to find the Saint John exhibit?

24 While they look for it we are going to adjourn  
25 for a few minutes.

26 ---Recess.

27  
28 MR. JACQUES: Question No. 6: Why does the  
29 local supervisor look after the sharing of the funds  
30 in Halifax? Why not do this as it is done in Montreal







1 and Quebec and let the pilots do the sharing.

2 A. Well, at first when the Minister of  
3 Marine and Fisheries became pilotage authority for  
4 Halifax -- that was in about 1920 -- the funds were  
5 handled from Ottawa for each of these districts; and  
6 this was the case up until about 1948. All that  
7 time the payments out of the fund were handled from  
8 Ottawa and cheques for the pilots were sent from Ottawa  
9 from the residue of the revenue after the expenses had  
10 been paid.

11 Q. Was this applicable to Halifax only?

12 A. No; Halifax, Sydney and Saint John as  
13 well, and B.C. when B.C. started, after B.C. became  
14 a district.

15 About 1948 it was decided to decentralize,  
16 and this was done.

17 Now, as to the question of why not as in  
18 Quebec and Montreal -- we have never been approached  
19 by the pilots to have this done. This means clerical  
20 work for them, and it means that they become a lot  
21 more responsible for what is going on; and certainly this  
22 is not envisaged in the by-laws yet.

23 Q. And you have had no request for this?

24 A. I don't think so -- not that I recall.  
25 We are performing a service in this for the pilots.  
26 In Montreal and Quebec they have always had their very  
27 strong associations, with money to hire help -- clerical  
28 help -- and so on, and there has never been any  
29 question there of the Department doing it.

30 THE CHAIRMAN: So I understand it is the same





1 system that is existing now in British Columbia?

2 THE WITNESS: Yes.

3 THE CHAIRMAN: The local supervisor is looking  
4 after all the money and the collection and so on and  
5 even the distribution to individual pilots?

6 THE WITNESS: Yes; the same in Sydney,  
7 Halifax, Saint John and British Columbia.

8 MR. JACQUES, Q: Question No. 7 may have  
9 been answered when you answered a similar question  
10 for British Columbia -- the extent of the authority of  
11 the local supervisor.

12 What made me ask this question is in relation  
13 to the change in the boat service. Apparently the  
14 decision of the local supervisor was overridden by a  
15 decision of a superior in Ottawa?

16 A. This is tied in to the next question and  
17 to question 25. If you don't mind leaving it to  
18 question 25, the whole story can go together.

19 COMMISSIONER SMITH: I have some questions,  
20 my lord, on which I would like to have some observations  
21 from Captain Slocombe. They are a bit mixed up and  
22 they spill over from one topic to another ---

23 THE CHAIRMAN: Go ahead.

24 COMMISSIONER SMITH: Perhaps I might as well  
25 get rid of them now.

26 The supervisor's evidence mentions a lot of  
27 things that he thought were acceptable, but before I  
28 go into that there is one thing I would like to ask  
29 your opinion about in connection with the brief that  
30 was submitted by the Shaw Steamship Company, suggesting







1 that pilotage be eliminated in all Canadian ports; that  
2 is, on vessels of a thousand tons, and that pilotage be  
3 optional at ports such as Cornerbrook, Saint John and  
4 Port aux Basques and so on. Now, I presume that is  
5 purely a matter of policy and there is nothing to be  
6 said about that unless you want to.

7 THE WITNESS: No, Mr. Smith; this is just  
8 the general policy of compulsory payment of pilotage  
9 dues. It is an ad hoc decision for each district.  
10 As we know, it isn't the same in Saint John as it is  
11 in Halifax, for instance.

12 COMMISSIONER SMITH: Here is another one.  
13 He said that foreign fishermen who normally do not  
14 have agents -- especially the American ships -- and  
15 small coasting vessels that sail on a coasting customs  
16 clearance are the biggest offenders in not paying  
17 pilotage dues. Apparently that is a matter of policing,  
18 I suppose?

19 THE WITNESS: Well, it is, Mr. Smith; and  
20 if the local supervisor is aware that some ship has  
21 failed to pay pilotage dues to which it was subject  
22 then there is provision in the Act that clearance may  
23 be withheld from that ship in any other port in  
24 Canada.

25 COMMISSIONER SMITH: By the customs?

26 THE WITNESS: By the customs department --  
27 until the pilotage dues are paid. This is provided  
28 for in the Canada Shipping Act, and we have used that  
29 when it has been reported to us that a ship has been  
30 owing pilotage dues. We have sent a circular to





1 customs officers asking them to withhold clearance  
2 from that ship if it returned to a Canadian port.

3 COMMISSIONER SMITH: He said that some of  
4 the pilot boats have outlived their usefulness.

5 THE WITNESS: Yes; we are trying to get new  
6 boats.

7 COMMISSIONER SMITH: Now, he says that the  
8 by-laws of the district are inadequate in the following  
9 particulars: Not enough control for the person  
10 responsible for the district.

11 THE WITNESS: This is a matter of the  
12 authority of the supervisor, which is the question we  
13 were just dealing with. This, sir, as I said this  
14 morning -- as long as the local supervisor pleases  
15 the pilots then this is all right; but as soon as he  
16 doesn't they go over his head to the Department, which  
17 brings the Department into the picture.

18 COMMISSIONER SMITH: Well, it seems to  
19 suggest to me that he is held down a little too closely  
20 to departmental regulations and not given enough free  
21 wheeling in decisions.

22 THE WITNESS: Well, when it entails the  
23 expenditure of government funds I need hardly tell you  
24 that we have to be very careful that he is not going  
25 to be found wrong later.

26 COMMISSIONER SMITH: And also he says that  
27 the tariff rates are unbalanced.

28 THE WITNESS: Well, tariff rates are always  
29 in imbalance because they are amended piece-meal, a  
30 bit here and a bit there. As our direction, Mr. Cumyn,





1 likes to describe it, it is like raising the leg of  
2 a table. You add a little piece here and this puts  
3 it out, and you add a little bit there and it is  
4 another bit out.

5 COMMISSIONER SMITH: He said, in this  
6 connection, that there is just as much if not more  
7 peril in moving a large ship from one dock to another  
8 as to bring her to anchor -- "Your remuneration does  
9 not just balance".

10 THE WITNESS: This is, of course, the  
11 supervisor's opinion and he is entitled to his opinion,  
12 but I don't think he has passed it to us. But, in  
13 any case, there is an endeavour on the part of the  
14 Department to talk about the total money which a  
15 pilot obtains. As long as pilots are paid on a fee  
16 basis, as they are now, there will always be argument  
17 about individual items of tariff.

18 In this particular respect, the supervisor,  
19 I assume, did not suggest that the other tariff items  
20 should be reduced to balance the increase in the  
21 movage charges.

22 COMMISSIONER SMITH: I didn't find that in the  
23 evidence.

24 MR. LANGLOIS: This came from the authority,  
25 not from the pilots?

26 THE WITNESS: This is from the supervisor.  
27 I would say he was talking out of turn, Mr. Langlois.

28 MR. LANGLOIS: What training does he get to be  
29 a supervisor? Do they get any training?

30 THE WITNESS: Unfortunately, no; we would like







1 to have them in Ottawa for a while first.

2 MR. JACQUES: Mention has been made of  
3 clearance....

4 THE CHAIRMAN: Before you go further, I have  
5 just been reading here. I can see the frustration of  
6 the local supervisor whenever a question on which he  
7 has taken a decision is taken to Ottawa and it is  
8 altered. I don't know, but maybe some way should be  
9 found in order to give some finality to his decisions.  
10 For instance, as far as the courts are concerned the  
11 Superior Court judge when he renders a decision his  
12 decision will not be altered on the question of the  
13 facts, for instance, unless there is an absolutely  
14 gross error. If it is only on a question of fact it  
15 will not be changed by the Court of Appeal -- only on  
16 a question of law. This is a local matter and  
17 normally it doesn't involve overall policy and normally  
18 it could be changed by giving some finality to his  
19 decisions.

20 THE WITNESS: If this could be done it would  
21 be excellent.

22  
23 --

24  
25  
26 --

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28  
29 --  
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1 THE CHAIRMAN: I am just making this remark  
2 as a possible solution. We have not given any second  
3 thoughts to it.

4 THE WITNESS: As you mentioned, the appeal  
5 to higher authority is a right that is difficult to  
6 take away.

7 THE CHAIRMAN: Yes, but should there be a  
8 policy well known to all those concerned to that effect  
9 and well adhered to and then you set the pattern and  
10 the authorities would know.

11 THE WITNESS: If it could be done. This  
12 would mean, my lord, that the decision would be  
13 supported right at the top.

14 THE CHAIRMAN: That is right.

15 THE WITNESS: But when the pilots have had a  
16 decision which they did not like then they come to  
17 Ottawa. They come to minor officials like ourselves.  
18 We are likely to support the local supervisor because  
19 we know his difficulties but if they go to a Minister  
20 of the Crown and try to have him settle this argument  
21 they are inclined to give them the raised eyebrows,  
22 looking at the official. Why don't you want to give  
23 the pilots this?

24 THE CHAIRMAN: That is a question of authority.

25 THE WITNESS: That is a question of authority,  
26 my lord, and the further you get away from the working  
27 level the less importance these small things assume.

28 THE CHAIRMAN: But it is very important  
29 with regard to the supervisors because he has to <sup>have</sup> some  
30 authority otherwise he is just there to make a compromise







1 and so on.

2 THE WITNESS: We are perfectly agreed with  
3 you, sir. On the other hand it might be that the  
4 local supervisor could be quite arbitrary and be taking  
5 wrong decisions.

6 THE CHAIRMAN: So it could be frustration all  
7 along the totem pole?

8 THE WITNESS: I am afraid that has been the  
9 case, my lord.

10 MR. LANGLOIS: Has it not been your experience  
11 that your local supervisors are not too prone to  
12 exercise the little authority they have now? They  
13 always refer local problems that they could handle  
14 themselves to the authority in Ottawa. Is that not the  
15 fact?

16 THE WITNESS: Well, this has been brought about  
17 by this fact that they know that if they do not -- if  
18 they take a stand on an item which is unpopular with the  
19 pilots then the next thing the pilots will do will be  
20 in Ottawa and then as likely as not, the pilots will be  
21 given into.

22 THE CHAIRMAN; That is human nature but after  
23 they have had some experience of this nature, if the  
24 experience is the other way, there would be some well  
25 established discipline and then it might be different.  
26 In any event it is a problem we have and I think it is  
27 clearly before the Commission.

28 THE WITNESS: Yes.

29 COMMISSIONER SMITH: There is a remark, not  
30 in connection with the evidence of the supervisors, but





1 with Captain Crook and others, one remark made by  
2 Captain Crook it sounds to me to be very humane. He  
3 said if he was to retire now he would not be entitled  
4 to either a pension or a refund of the contributions  
5 for the pension fund.

6 THE WITNESS: This, I think, my lord, will be  
7 explained by Captain Jones when the pension fund  
8 arrangements will be explained.

9 COMMISSIONER SMITH: There is something in  
10 the evidence that was brought out, I just cannot find  
11 it in my notes now, about interference in the harbour  
12 by private yachts and cables across the harbour not  
13 being properly charted or marked.

14 THE WITNESS: Yes. There is an item here  
15 about cables in the bottom of the harbour, Mr. Smith.  
16 It is item 14.

17 COMMISSIONER SMITH: Yes. I am more or less  
18 disregarding these items because my notes are all from  
19 the transcript.

20 THE WITNESS: I can dispose of that one  
21 immediately.

22 MR. JACQUES, Q: Please go ahead, captain.

23 A. This is a local matter that we do not  
24 have any information on in Ottawa. The local  
25 supervisor would certainly find out if there were any  
26 cables there and if nobody knows the cables were there  
27 I am quite sure no pilot would be blamed for hooking  
28 it with an anchor. If the people who put them there  
29 don't make the fact known, we certainly would not  
30 blame a pilot for hooking them if he didn't know they





1 were there.

2 THE CHAIRMAN: And these are supposed to be  
3 made known to whom?

4 THE WITNESS: They should be made known to  
5 all mariners unless there was some national defence things  
6 that had to be kept quiet. In this case it would be  
7 made known through the local officer in charge, the  
8 naval officer in charge to the supervisor. He would  
9 advise the pilots.

10 MR. JACQUES, Q: Do you feel that if there  
11 were, let us say, secret cables across Halifax  
12 harbour you feel that this information supplied is to  
13 the pilot? The evidence we have is that owing to  
14 national defence requirements there were cables across  
15 Halifax harbour and they were not charted. Nobody knew  
16 exactly where they were.

17 A. Well, the conclusion still stands, my  
18 lord. If they hook some cables and nobody knows they  
19 are there, there cannot be any complaints from the  
20 authorities if they hook on an anchor. I don't think  
21 the pilot need worry about this.

22 MR. LANGLOIS: National Defence could be  
23 worried about sabotage.

24 THE WITNESS: Well, this is a hazard. It is  
25 up to them.

26 MR. LANGLOIS: Your Lordship will recall in  
27 St. Johns, Newfoundland we were even told that the  
28 navy left struts there during the war. They left them  
29 in the bottom of the harbour and they are still  
30 there.







1 THE CHAIRMAN: It was swept out last year.

2 THE WITNESS: The same situation does exist  
3 in Esquimalt and Royal Roads but our pilots do know  
4 they are there. They have been warned to keep clear of  
5 at least a general area but if such warning is not  
6 issued, I do not think the pilots need be afraid that  
7 they will be blamed for anything that happened to those  
8 cables through something they did.

9 COMMISSIONER SMITH: That is all I have except  
10 this, Mr. Jacques. Were you going to examine the witness  
11 on the question of some casualties in the harbour?

12 MR. JACQUES: Yes, my lord.

13 COMMISSIONER SMITH: Well, I will not go into  
14 that.

15 MR. LANGLOIS: I am sorry, my lord, if I  
16 may interject here. Captain Crook is reminding me  
17 that this question was raised in Halifax as a question  
18 of danger to the ship not to the installations.

19 THE CHAIRMAN: Yes, I was just wondering about  
20 that, something that would be more than losing an  
21 anchor.

22 THE WITNESS: In what respect? Due to a  
23 ship explosion?

24 MR. LANGLOIS: No, fouling the cables or  
25 preventing their heaving up and this might jeopardize  
26 the moving of vessels.

27 THE WITNESS: Yes, that would interfere with  
28 the manoeuvring of the vessel. It would also damage  
29 the cable, I assume.

30 MR. JACQUES: There was a mention a while





1 ago of obtaining clearances from vessels and that the  
2 clearance could be withheld if pilotage dues were not  
3 paid.

4 A. Customs clearance, yes.

5 Q. To the best of your knowledge would all  
6 ships require Customs clearance?

7 A. Not coasting vessels, acting on a  
8 coasting licence. They are not required to clear now.

9 Q. Foreign fishermen?

10 MR. LANGLOIS: Provided they operate between  
11 Canadian ports.

12 THE WITNESS: This would mean coasting. This  
13 is speaking of between Canadian ports but these  
14 coasting licences depend upon compliance with the  
15 Canadian Shipping Act and if a ship has evaded payment  
16 of pilotage dues, to which she was liable, and would  
17 be causing an infraction of the Canada Shipping Act,  
18 a complaint could bring about the withdrawal of the  
19 coasting licence.

20 MR. JACQUES, Q: Would foreign fishermen  
21 have to obtain clearances?

22 A. Oh yes.

23 COMMISSIONER SMITH: There were American  
24 fishing boats that were referred to specifically.

25 THE WITNESS: As far as I know, Mr. Smith,  
26 they are required to have a clearance. Are these  
27 ships coming alongside?

28 COMMISSIONER SMITH: I do not know.

29 THE WITNESS: Or are they just coming to the  
30 outskirts of the district and going out again?







1 COMMISSIONER SMITH: The supervisor complained  
2 they were getting away without paying their dues.

3 MR. LANGLOIS: That would be the case of a  
4 fishing boat reporting in for shelter. He doesn't have  
5 to have a clearance then.

6 THE WITNESS: No, if he comes in for shelter,  
7 he is -- any ship can come in for shelter and is  
8 exempt unless she comes right alongside and takes  
9 cargo on and so on.

10 COMMISSIONER SMITH: But the supervisor said  
11 in my interpretation was that these American fishing  
12 boats were liable for the pilotage dues and escaped  
13 without paying them. That is the interpretation I put  
14 on the evidence.

15 THE WITNESS: If that is the case, he has  
16 the recourse the same as any other vessel that evades  
17 payment of pilotage dues. If he reports to us we  
18 can put out a notice to customs officers.

19 COMMISSIONER SMITH: Maybe I misunderstood but  
20 that is certainly the implication I put on the  
21 statement.

22 THE CHAIRMAN: Unless somebody has the right  
23 reference to the transcript we will adjourn the  
24 completion of this answer until tomorrow morning so  
25 as to find your reference? It will be easier to have  
26 the reference.

27 THE WITNESS: We can telephone Halifax and  
28 find out ---

29 THE CHAIRMAN: No, I mean in the transcript.  
30 We will find it first in the transcript and maybe when





1 you read the transcript it will be easier.

2 THE WITNESS: Very good, my lord.

3 COMMISSIONER SMITH: That is what I have taken  
4 from the transcript of evidence, my lord. I haven't got  
5 the page here. Mr. Latter said foreign fishermen who  
6 normally do not have agents especially American ships  
7 and small coasting vessels that fail on customs  
8 clearance are the biggest offenders in not paying  
9 pilotage dues.

10 THE WITNESS: I am informed, Mr. Smith, that  
11 has been taken care of now by arrangement with the  
12 customs officer, between the customs officer and  
13 Captain Latter that clearance will be -- they will be  
14 in touch with him before the clearance is given.

15 MR. LANGLOIS: That would not cover the case  
16 of the coastal ship.

17 THE WITNESS: No, the case of the coastal  
18 ship is covered by the control over the coasting  
19 licence.

20 MR. LANGLOIS: Could this not be done also  
21 through the harbour office, the National Harbour Board  
22 office. They have to pay their harbour dues before  
23 they go.

24 THE WITNESS: Harbour dues are only paid when,  
25 once, so many times a year -- twice.

26 MR. LANGLOIS: They have to report each time  
27 to the harbour authorities.

28 THE WITNESS: Well, you see in this matter  
29 the pilotage dues apparently -- all the supervisor can  
30 do is to render a bill. If the bill is not paid or





1 if there is nobody to whom he can send the bill, it is  
2 a little difficult.

3 MR. LANGLOIS: I know, for example, in  
4 Quebec harbour, any ship calling in, even to wait for  
5 the tide, has to report to the harbour master. He  
6 has to report before he goes out again.

7 THE WITNESS: I don't know.

8 MR. LANGLOIS: Otherwise he is fined. As a  
9 matter of fact I can say this ~~that~~ twenty-five small  
10 schooners were brought to court and fined for not  
11 reporting to the port authorities.

12 THE WITNESS: I am afraid I don't know what  
13 the rule is in Halifax.

14 MR. LANGLOIS: It is the National Harbour  
15 Board. It should be the same rule.

16 THE WITNESS: In any case, my lord, if the  
17 supervisor has a problem in this, he should have  
18 reported it to us.

19 MR. JACQUES, Q: The next question concerns  
20 the changes in the boat service. There was first  
21 one decision to replace one boat by a fibreglass boat  
22 and then the decision was reversed.

23 A. Would you like to add to that, question  
24 25.

25 Q. If you please, yes. Would you read  
26 your question 25?

27 A. "What was the alleged interference  
28 with pilots tour de role, November 1962".

29 Q. Is that connected with the boat service?

30 A. I believe it is.







1 Q. Very well then.

2 A. If not ---

3 Q. Answer both questions at the same time.

4 A. If not, we can go ahead further. As I  
5 mentioned before, my lord, we did have a directive  
6 under the austerity program to cut down expenditures  
7 and my office, being very zealous in this matter, it  
8 was suggested to the local supervisor, that he might  
9 effect a reduction in the cost of running the pilot  
10 boat service.

11 A letter addressed to the supervisor making  
12 certain suggestions was intended as a basis for  
13 discussion and comment.

14 The supervisor quite rightly called the  
15 Pilots Committee together and outlined the suggestions  
16 to them and asked them to give the matter some thought.  
17 The Department had in mind the possible decommissioning  
18 of one of the two outside boats, the GENERAL PAGE  
19 which was costing a lot of money in repairs and the  
20 substitution of a twenty-six foot boat for the  
21 43 foot boat used for carrying pilots around the  
22 harbour.

23 It was thought the 43 foot boat might be  
24 based at St. Johns, Newfoundland; also the succession  
25 of the practice of using the boat for taking the  
26 pilots to places in the harbour might be reached by  
27 taxi and that the boat should be used only for going  
28 to and from vessels at anchor.

29 It was also suggested that these were tied  
30 in with the dispatching in, that a pilot who disembarked





1 from an outgoing ship might wait outside for an incoming  
2 ship that was due in a short time instead of the  
3 pilot boat having to take him back immediately into  
4 the harbour, into the station, and take out another  
5 pilot.

6 Well, the reaction of the pilots was quite  
7 dramatic, if I may say. First there was a telegram  
8 to the Minister protesting against any suggestion of  
9 curtailing the service provided them. No. 2: In-  
10 forming the steamship committee of the Halifax Board  
11 of Trade that the Department was threatening to  
12 curtail the pilotsage services to shipping; No. 3 a  
13 light to Ottawa of two members of the Pilots Committee  
14 to see the Director of Marine Regulations and 4: The  
15 enlisting of the aid of Senator Turman, a former  
16 member of Parliament, by one of the committee members.

17 Again, these actions were effective. I was  
18 instructed to go to Halifax immediately to discuss  
19 matters on the spot and on my return I expressed the  
20 opinion that the economies which the proposed step  
21 might achieve would not be worth the trouble they  
22 would cost, and I suggested that things be left as  
23 they were at least depending the report of the Royal  
24 Commission on Pilotage.

25 At the same time we had received approval  
26 for the hiring of three extra men so that we could  
27 always have two men on the small boat in the harbour.  
28 Does that answer the question?

29 Q. Would you have the letter which you  
30 wrote to Captain Latter in that respect and copies







1 of the telegrams which were received or exchanged by  
2 your office?

3 A. I could have it for tomorrow morning,  
4 my lord.

5 THE CHAIRMAN: That is all right.

6 MR. JACQUES: Would you, please?

7 MR. LANGLOIS: Could it be given a number  
8 now?

9 MR. JACQUES: Yes, we may as well give it a  
10 number now. That will be Exhibit 1174 -- letters  
11 and telegrams concerning the change in the boat service  
12 at Halifax in 1962.

13 ----EXHIBIT NO. 1174: Letters and telegrams  
14 concerning change in boat  
15 service at Halifax in 1962.  
(To be filed.)

16 Q. The next question refers to aids to  
17 navigation and it is question No. 9.

18 A. I have nothing to add on that to what  
19 I have said before.

20 MR. LANGLOIS: I do not see the relation  
21 between this and the tour-de-role as mentioned.

22 THE WITNESS: As I have said, this question  
23 refers to the fact that this would have required the  
24 pilots to change their practice of turns. If there  
25 is something else I would be glad to try to answer.  
26 This is what I understood this question referred to.  
27 It would mean that one pilot would do two jobs, one  
28 after the other.

29 MR. JACQUES, Q: Question 10 will, I think,  
30 require a rather lengthy answer. It is the details





1 of the prevailing rate offer made to the pilots.  
2 Anything which you might have to file or that you might  
3 know about this offer will be of interest to the  
4 Commission.

5 A. I have a file here of letters which would  
6 take all night to read. It commences ---

7 MR. JACQUES: Excuse me, my lord. We might  
8 file them now and my friend Mr. Langlois could look  
9 at them tonight, if that is convenient.

10 THE CHAIRMAN: And postpone this subject  
11 until tomorrow?

12 MR. JACQUES: Until we have had time to  
13 read the correspondence, sir. It is quite bulky.

14 MR. LANGLOIS: Give it a number now.

15 ---EXHIBIT NO. 1175: Bundle of correspondence  
16 relating to the prevailing  
17 rate offer made to the  
Halifax pilots.

18 COMMISSIONER SMITH: If it is so lengthy that  
19 it would take all night to read could somebody  
20 summarize it for us?

21 THE WITNESS: I could do it very briefly.

22 COMMISSIONER SMITH: I do not mean now. I  
23 mean whenever his lordship decides.

24 THE CHAIRMAN: I think if you could sum them  
25 up briefly for the advantage of everybody it will be  
26 all right to do it now.

27 THE WITNESS: All right, my lord. It starts  
28 with a letter dated March 10th, 1958 addressed to  
29 Captain Seeley as superintendent of pilots, Halifax,  
30 as he was then. It is signed by E.K. Hartling as





1 Chairman of the Halifax pilots' committee. I will  
2 just read one paragraph to indicate the gist of it.

3 "It is the understanding of  
4 this committee that the pilotage  
5 authority has offered the licenced  
6 pilots of one district the  
7 opportunity of becoming a part  
8 of the Civil Service. The pilotage  
9 authority is hereby advised that  
10 should it desire to extend this  
11 offer to the Halifax district  
12 the pilots would appreciate an  
13 opportunity to study the proposals  
14 under which they would operate  
15 within the Civil Service. The  
16 matters of remuneration, hours of  
17 duty, sick leave, holidays and  
18 pensions would require detailed  
19 explanation."

20 The whole of the rest of this correspondence,  
21 my lord, is the detail of the offers that have been  
22 made. It is quite complicated. It is a matter of  
23 personnel regulations. These matters, most of them,  
24 were prepared in the Personnel Branch and there are  
25 letters from individual pilots here. This summarizes  
26 the situation.

27 COMMISSIONER SMITH: I suppose, captain, there  
28 is also in there a lot of information that we have  
29 already received through evidence or in some other  
30 way? Is that a fact?







1 THE WITNESS: I would not be at all surprised  
2 that some of this has appeared in evidence, but the  
3 detail would not have appeared in evidence before.

4 COMMISSIONER SMITH: No?

5 THE WITNESS: This is quite detailed. This  
6 is the offer to the pilots after consultation with  
7 the Treasury Board and the Labour Department.

8 COMMISSIONER SMITH: We have that.

9 THE WITNESS: Well, this does include letters  
10 from individual pilots in reply.

11 MR. LANGLOIS: Is that the complete file in  
12 connection with this harbour?

13 THE WITNESS: I think it is the complete  
14 file of correspondence. I am told this. I must  
15 rely on my secretary in this. She has dug out all the  
16 letters having to do with this. Most of them were  
17 on Personnel files. This gives the story. Of course,  
18 my lord, the story is not complete by a long way  
19 yet.

20 MR. JACQUES, Q: Before you go on to the first  
21 letter, the letter which you read refers to an offer  
22 to another district?

23 A. Well, this was an approach that was  
24 first made to the pilots of the Kingston Pilotage  
25 District at the time when the Great Lakes group was  
26 about to start.

27 Q. In this respect have you read Captain  
28 Seeley's evidence?

29 A. Not for some time. I am not sure. I  
30 would need to -- I could read it through tonight.





1 Q. I wonder if you have anything to add  
2 to Captain Seeley's evidence in Halifax?

3 A. This I cannot answer now.

4 Q. Was this offer of prevailing rates to  
5 the pilots opening a new era in pilotage philosophy?

6 A. Not at all. This is in 1962 -- 1958;  
7 when is it? It is 1958 when the discussions were  
8 starting on the Great Lakes arrangement. I think  
9 possibly we had heard from Captain Seeley that he  
10 thought that many of the Halifax pilots would be  
11 interested. This is all that the Department has  
12 done -- told them what is available.

13 Q. Yes, but it was not a plan of the  
14 Department which would be applied to all districts  
15 so that all districts eventually would have pilots  
16 under prevailing rate employees regulations?

17 A. Certainly it has not been --- Put it  
18 this way: If it would be a good thing in one district,  
19 if it worked in one district, no doubt the principle  
20 would be extended and the offer would be made to  
21 pilots in other districts. But this is not a dark  
22 and secret plan that the Department has got.

23 Q. No. Without its being a dark and secret  
24 plan, it might have been a plan.

25 A. Certainly I can say without equivocation  
26 that we believe that until pilots are paid on a steady  
27 basis there will always difficulty and strife because  
28 the matter of tariff is always a matter for argument.

29 COMMISSIONER SMITH: In that connection,  
30 Captain Slocombe, I understand, I am not sure whether







1 it was after the Audette Committee report, or at  
2 some time or other this question of the guaranteed  
3 annual salary was put up to the authorities and frowned  
4 upon; is that correct?

5 THE WITNESS: Mr. Smith, we did, as a matter  
6 of fact following my report, I think, have a form of  
7 guarantee for a while. There was an amount of money  
8 put in the estimates which might be used to subsidize,  
9 shall we say, or to ---

10 COMMISSIONER SMITH: Augment?

11 THE WITNESS: To assist, to augment the  
12 pilotage funds of certain districts if the revenue  
13 should fall to such a pitch that the remuneration was  
14 not adequate. It was never used because the traffic  
15 improved. The depression which brought this forth  
16 eased up.

17 COMMISSIONER SMITH: Was there an item in  
18 the estimates?

19 THE WITNESS: There was an item in the  
20 estimates for, I think, three years.

21 MR. JACQUES, Q: Do you recall the years?

22 A. Around 1948, 1949. Of course, I could  
23 check on this.

24 Q. Could you check on that? That is most  
25 interesting.

26 A. Yes.

27 MR. LANGLOIS: Was that for all districts?

28 THE WITNESS: No. It was set for certain  
29 pilotage districts. The only ones that were in trouble  
30 were the east coast districts; not Saint John, I think.





1 Of course, it was never used because the revenues went  
2 up.

3 MR. LANGLOIS: Well, I would like to read  
4 the file, but you were asked by Mr. Jacques, Captain  
5 Slocombe, if this was a new era in pilotage history  
6 in proposing a plan of that kind. Your answer was No.  
7 But it was certainly a new era in negotiating, in  
8 the matter of negotiating with a district because  
9 instead of going through the local committee you went  
10 to the individual pilots in that case?

11 THE WITNESS: Oh, yes, I quite agree on that.  
12 But this was not new either because whenever anything  
13 that affected every pilot personally was dealt with  
14 before that -- such as pension funds for instance --  
15 the Department had always made sure that every pilot  
16 knew the complete facts.

17 I think it is obvious to us all that with  
18 the schism that there is in Halifax district for  
19 instance it was quite necessary that precautions should  
20 be taken that the information should not be passed on  
21 by one small group. Every pilot has a right to have  
22 from the authority the full details of this suggestion,  
23 of this offer.

24 MR. LANGLOIS: But would it not be better to  
25 ask the local pilots' committee to convene a meeting  
26 and then make sure that the information will be passed  
27 at that meeting, but leaving it always to the local  
28 authority -- as provided in the by-laws as a matter  
29 of fact?

30 THE WITNESS: This may have been a way of





1 doing it, but the decision was made to do it the other  
2 way.

3 MR. JACQUES, Q: Was there any objection  
4 taken to the way of proceeding -- by the pilots, of  
5 course?

6 A. Yes, we had an objection from the  
7 pilots' committee.

8 Q. When?

9 COMMISSIONER SMITH: I was just saying,  
10 Captain Slocombe; his lordship already knew it, but  
11 the fact that there is an item in the estimates is  
12 an indication of government policy and I had no  
13 idea that it had gone that far.

14 THE WITNESS: Well, this was policy at that  
15 time, Mr. Smith, when the need was there, just the  
16 same as at a later date government policy was to  
17 help the pilot boats instead. The end was the  
18 same.

19 COMMISSIONER SMITH: Yes, that is true, but  
20 if they want to proclaim government policy, well, they  
21 have to pretty well stick to it, unless they make  
22 some alteration or indication that the government  
23 policy in that connection is revoked or appealed or  
24 abrogated.

25 COMMISSIONER RENWICK: Or the government is  
26 revoked!

27 THE WITNESS: Would you not agree that the  
28 fact it was dropped out of the estimates after three  
29 years was an indication that the policy was no  
30 longer necessary?







1 COMMISSIONER SMITH: I would say it would  
2 be an indication that the money was no longer necessary;  
3 but I think the indication is that the policy would  
4 still remain.

5 THE WITNESS: But there is no provision in the  
6 Canada Shipping Act at all for this kind of assistance.  
7 The only way it can be done is by approval of  
8 Parliament through an item in the estimates.

9 COMMISSIONER SMITH: Right.

10 MR. LANGLOIS: Was this considered at the  
11 time to be a permanent feature, or was it only to meet  
12 an emergency situation?

13 THE WITNESS: The assistance to the funds?

14 MR. LANGLOIS: Yes?

15 THE WITNESS: An emergency situation, quite  
16 definitely; and I think the wording in the estimate  
17 would indicate that.

18 I would have to look it up in the estimate  
19 book.

20 MR. JACQUES, Q: Would you, please? Do  
21 you know if it had been done before? Was this the  
22 only time it was done?

23 A. So far as I know; and I think it was  
24 at my recommendation, sir; I don't know -- things are  
25 getting a little vague so far back.

26 MR. LANGLOIS: I don't know, my lord, if  
27 there could be objection, but in order to find out  
28 exactly what was the intention of the Government in  
29 adopting this policy, would it be possible to make  
30 a submission to the Treasury Department to get some





1 information on this item?

2 THE WITNESS: I would have to ask higher  
3 authority on that, Mr. Langlois.

4 MR. LANGLOIS: That would give us an  
5 indication of what they had in mind at that time when  
6 they did that.

7 MR. JACQUES: I think this is an excellent  
8 idea. Would you ask, please?

9 THE WITNESS: Yes.

10 As I say, the terms of the Orders-in-Council  
11 of 1950 and 1959 merely achieve this in a different  
12 way, by taking over the expenses -- by refunding in  
13 the first place and then assuming directly the expenses  
14 of the pilot boat and the expenses of the districts,  
15 this would leave them more money to be distributed  
16 among the pilots; and that, therefore, had the same  
17 effect.

18 MR. LANGLOIS: Was this, then, maintained only  
19 for those districts which were supporting all the  
20 operation cost of pilotage?

21 THE WITNESS: Yes; in those days the  
22 government was not assisting anywhere except in the  
23 Province of Quebec -- Father Point.

24 MR. LANGLOIS: Now, you mentioned that if this  
25 prevailing rate system were to be adopted that would  
26 avoid the difficulties rising out of the necessity to  
27 negotiate pilotage dues at this time, and you even  
28 mentioned the strike. Do you mean to say that if you  
29 had this system there would be no further negotiation  
30 of pilotage dues and that they would be imposed on the







1 shipping industry without having a chance to even offer  
2 their own views?

3 THE WITNESS: No; but then the argument would  
4 be only a two-way argument between the government and  
5 the shipping people; it wouldn't be a three-way argument,  
6 as it is now; and the matter of what would be the  
7 charges would not be the business of the pilots at  
8 all. Their argument with the Department would be for  
9 an adequate wage, and it would be Utopia if there  
10 wouldn't be any arguments about that.

11 MR. LANGLOIS: Would not the shipping industry  
12 be put at a disadvantage in negotiating with the  
13 government alone?

14 THE WITNESS: I don't see why; because the  
15 government has to pay the pilots' salary it wouldn't  
16 even matter whether the dues were enough to pay ---

17 THE CHAIRMAN: I think we can see, by  
18 looking at the free rates, how was the trend -- why the  
19 industry is trying to negotiate with the government.  
20 We have seen that they were well looked after.

21 MR. LANGLOIS: That is a Crown company  
22 providing a service to the public, but this would be  
23 the government telling an industry to pay for the cost  
24 of pilotage; and usually governments don't seek our  
25 advice before imposing taxes.

26 THE WITNESS: I venture to suggest that the  
27 shipping people would prefer to have to argue with  
28 the government rather than with the pilots.

29 MR. LANGLOIS: Does this mean that they are  
30 getting along with the government? It is easier to





1 get along with the government than with the pilots?

2 THE WITNESS: I think, perhaps, yes.

3 THE CHAIRMAN: There is always another way to  
4 do it -- through the National Harbours Board.

5 MR. LANGLOIS: That will be doing away with  
6 the system of prevailing rate employees.

7 THE CHAIRMAN: In other words, they could  
8 be employees there, too.

9 MR. JACQUES: With the right to collective  
10 bargaining.

11 THE CHAIRMAN: Are there any further questions  
12 on this matter? Do you want to have information from  
13 Captain Slocombe ---

14 MR. JACQUES: Well, Captain Slocombe is  
15 to provide information on the estimates.

16 THE CHAIRMAN: That is right.

17 MR. JACQUES: And, also, Mr. Langlois may  
18 wish to cross-examine Captain Slocombe on this document  
19 which has been filed as Exhibit 1175.

20 THE WITNESS: If you don't mind, if this is  
21 intended, I should have due warning so that I can  
22 have personnel people responsible give evidence.

23 MR. JACQUES: I will be quite frank with the  
24 Commission. I didn't expect to have to deal with  
25 this procedure at this time. I had thought to keep  
26 the personnel people for a separate hearing when matters  
27 of general concern would be discussed. I don't know  
28 if my friend wishes to postpone his questions until  
29 September. If not, we shall have to have some one  
30 from personnel tomorrow.





1 MR. LANGLOIS: Let me read this.

2 MR. JACQUES: I can't consider this now, and  
3 we will see tomorrow morning, in any case, how necessary  
4 it is for it to be considered at a later date.

5 MR. LANGLOIS: I have no objection.

6 THE WITNESS: I may say this deals with  
7 personnel regulations which I don't even know, and I  
8 wouldn't be able to answer the questions.

9 MR. JACQUES: The next question concerns  
10 pensions.

11 A. Captain Jones will talk about pensions.

12 THE CHAIRMAN: We have six minutes to go,  
13 Mr. Jacques.

14 MR. JACQUES: I think we had better wait  
15 until tomorrow morning. We will skip question 11.

16 Q. Would you explain the increase extended  
17 by the government to the pilots?

18 A. Yes; this was when the by-law  
19 required all the boat and station expenses to be paid  
20 out of the Halifax pilotage fund. At the same time,  
21 there was also a requirement that the fund be wound  
22 up at the end of each fiscal year and any surplus  
23 divided among the pilots. This meant that on April  
24 1st of each year there was no money in the fund.

25 Q. Why was that ruling adopted?

26 A. This came from away back, and I couldn't  
27 tell you the origin of this; but the pilots wanted  
28 it evidently.

29 Perhaps I should explain that the system  
30 was that the superintendent, as they called him in those







1 days, would pay each month -- would make advances to  
2 the pilots each month in an amount not more than they  
3 would be entitled to, as the fund allowed. This meant  
4 that with the agreement of the pilots a certain amount  
5 was decided upon, and the rest was kept until the end  
6 of the year. But obviously the pilots would want to  
7 get hold of that eventually, and that was the way it  
8 would be divided up at the end of the fiscal year,  
9 after all expenditures had been met.

10 Well, when this happens, especially in  
11 Halifax and Sydney and Saint John, these first months  
12 of the fiscal year, April, May and June were the  
13 slack months after the busy winter season and there  
14 was not enough money coming in to leave enough to pay  
15 the expenses which went on with the pilot boat and  
16 so on; the pilot boat and the station, and did not  
17 leave enough to distribute among the pilots.

18 So, the Department made an advance to the  
19 district, to the pilotage fund at the beginning of the  
20 year of, I think it was, \$5,000.00 and this was repaid  
21 to the Department when the traffic increased towards  
22 the end of the year. It was repaid to the Department  
23 during the fiscal year.

24 Q. That was done every year?

25 A. Yes, of course, when the Department  
26 took over payment of the expenses then the justification  
27 of this advance of public funds did not exist.

28 Q. And that is why it was abolished?

29 A. This is why it was dropped.

30 Q. Question 13 is a quick one. We might





1 as well deal with 13.

2 A. We have already talked about the basis  
3 for limiting the work of a probationary pilot.

4 Q. This is the equivalent section in the  
5 Halifax by-law?

6 A. Exactly.

7 Q. Question 14 has been dealt with.  
8 Question 15 is the calculation of the work load. There  
9 appears to have been a dispute between the Department  
10 and the pilots on how the work load should be  
11 calculated.

12 A. I don't think there was ever a dispute  
13 except that the pilots thought we were not giving them  
14 credit -- that we were not aware or were not giving  
15 them credit for the time they spent in the pilotage  
16 operation, other than purely the time piloting.

17 Now, this was not so. We did know. This  
18 work load sheets that we were talking about previously  
19 were an attempt to get this on paper. We were aware  
20 they were doing more than purely the actual time shown  
21 on the pilotage cards and his other period of duty,  
22 as you might say, involved in this was time spent  
23 in the pilot boat, for instance, and we did know of  
24 this. It was just a matter of the pilots thinking  
25 that they were not getting credit for this.

26 Q. With respect to the calculation of  
27 work load, have you ever thought of having a proper  
28 time study made or hiring or letting out a contract  
29 to a firm of specialists in that respect to establish  
30 exactly a time and motion study?







1           A.    It seems to me, my lord, that with a  
2 comparatively simple operation of twenty people in  
3 Halifax, it should not be necessary to spend the  
4 thousands of dollars which an operation of this kind  
5 takes to have experts weighing time and study and I  
6 really do not think the pilots would welcome it.

7           THE CHAIRMAN: Are you changing subjects now?

8           MR. JACQUES: Yes, my lord.

9           THE CHAIRMAN: We will adjourn until tomorrow  
10 morning at 10:00 o'clock.

11 ---Whereupon the hearing adjourned at 5:00 p.m.

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# ROYAL COMMISSION

ON

## PILOTAGE

### HEARINGS

HELD AT

OTTAWA

VOLUME No.:

131

DATE:

June 5, 1964

OFFICIAL REPORTERS

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held  
in the Tariff Board, Ottawa,  
Ontario, on Friday, June 5th,  
1964.

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COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq.	Member
Harold A. Renwick, Esq.	Member

---O---

Mr. Gilbert W. Nadeau	Secretary
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---O---

COMMISSION COUNSEL:

Mr. Maurice Jacques, Q.C.

---O---

APPEARANCES:

Mr. Leopold Langlois, Q.C. counsel for the  
Canadian Merchant Service Guild, Inc.

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1 ---On commencing at 10:00 a.m.

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F.S. SLOCOMBE, recalled

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4 DIRECT EXAMINATION BY MR. JACQUES:

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11

Q. Captain Slocombe, you handed me a letter dated November 9th, 1962 addressed by Captain Jones to Captain Latter in Halifax with respect to the change in the boat service. This is to be filed as Exhibit 1174. There was also a telegram to which reference was made yesterday. I am given to understand that you cannot find that telegram.

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A. Yes, sir. This letter is the letter in which we mooted the possibility of some change in order to reduce expenditures. I refer to a telegram to the Minister yesterday but it doesn't seem to be on the files we have. It must be in the Minister's office in his own private files. If we do find it, we will certainly put it in.

19

THE CHAIRMAN: Thank you.

20

21

---EXHIBIT NO. 1174: Letter from Captain Jones to Captain Latter dated November 9th, 1962.

22

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MR. LANGLOIS: In connection with this offer, Captain Slocombe, do you know if any actuarial valuation to establish costs of this plan was ever made and if so what was the amount arrived at?

27

THE WITNESS: The plan of government employment?

28

MR. LANGLOIS: Yes.

29

30

THE WITNESS: No, not as far as I know, Mr. Langlois. This was handled mostly by the Personnel





1 Branch and I am quite sure there was no such study  
2 made.

3 MR. LANGLOIS: Can you tell us if there was  
4 any reason why instead of offering these pilots to  
5 become prevailing rate employees, they were not offered  
6 full fledged Civil Service status instead?

7 THE WITNESS: I think the best way I can  
8 answer that is that if they became full fledged Civil  
9 Servants they would not get nearly as much money as  
10 they would under the prevailing rates.

11 MR. LANGLOIS: Would they be getting more  
12 security of employment?

13 THE WITNESS: That has been questioned. This  
14 question has been raised before and the Personnel  
15 people tell us this is not the case, at least, now.  
16 It may have been at one time the case but certainly  
17 there are rules in effect now that prevent -- would  
18 prevent the kind of thing I think the pilots may be  
19 afraid of; that is losing their jobs suddenly.

20 MR. JACQUES, Q: Or a sudden decrease in  
21 earnings?

22 A. Yes. Well, of course, this would be  
23 a matter --- A sudden decrease in earnings?

24 Q. Adjustment?

25 A. This may happen in any Civil Service job.  
26 There have been cases where the whole Civil Service  
27 salaries have been reduced in depression times. This,  
28 I assume, will go the same way but this would go on,  
29 as the name implies, a prevailing rate basis.

30 There is a relation between the rates set





1 for salaries in the prevailing rate regulations and  
2 the going rate for similar employment in the area  
3 and everybody who knows or hears of what has been  
4 offered the pilots under this scheme, I think they  
5 can hardly believe it. It is far in excess of the  
6 rates that are paid generally in government service.

7 MR. LANGLOIS: About this ---

8 MR. JACQUES, Q: The job is different also?

9 A. This is the basis on which the rate is  
10 set. The people who make these rates, this is the  
11 Department of Labour, they get all the features of the  
12 job for consideration and this, of course, includes  
13 the discomfort of night work, the unsettled hours,  
14 shall I say, the discomfort of the job they have to  
15 do, getting on board ships. All these things, I assure  
16 you, have been put forward whenever we have put these  
17 matters forward for consideration.

18 We do not in any way lighten the picture of  
19 pilots work. We know very well what the inconveniences  
20 are and the unpleasantnesses are and we have explained  
21 these things to the people concerned and this is  
22 partly responsible for the quite substantially high  
23 rate that they come up with.

24 MR. LANGLOIS: You have heard, Captain  
25 Slocombe, of the fear on the part of the pilots  
26 regarding insecurity of employment if the pilots were  
27 made prevailing rate employees. Do you know a  
28 similar situation obtained last year in the Maritimes  
29 in connection with the employees on the boats of the  
30 Department of Fisheries. Do you know that situation?







1 THE WITNESS: No.

2 MR. LANGLOIS: I have here, my lord, a  
3 clipping from the Halifax Mail Star of September 28th,  
4 1963 entitled: "Dismissal of Fisheries Men Key to  
5 Protest".

6 "W. Sinclair MacLeod, Field  
7 Representative for the Civil  
8 Service Federation of Canada,  
9 last attacked the problem of  
10 political patronage, saying it  
11 was much more prevalent in the  
12 Maritimes than in other parts  
13 of Canada and especially more  
14 prevalent 'in the Fisheries  
15 Department'.

16 This is possibly due to  
17 the large number of seasonal  
18 and prevailing rate employees  
19 within this department 'who do  
20 not have the protection of the  
21 Civil Service Act,' Mr. MacLeod  
22 said."

23 And this gave rise to this fear expressed by  
24 some of the Halifax pilots and rightly so. This  
25 clipping is dated Halifax, September 28th, 1963. I  
26 have no objection to filing it in the record, if  
27 you wish.

28 THE WITNESS: My lord, if I had seen that,  
29 I think I would have agreed. I think this is a  
30 question that should be answered by possibly the Deputy





1 Minister at the final hearing.

2 THE CHAIRMAN: All right. We will take a note  
3 of this because it is important. We have to know what  
4 the status of the pilots would be if they availed  
5 themselves of the prevailing rate employees scheme.

6 MR. JACQUES: Definitely my lord. As I  
7 mentioned yesterday, my intention was to have someone  
8 from Personnel appear before the Commission and fully  
9 explain the status of these employees and what could  
10 be done and what cannot be done by the government.

11 MR. LANGLOIS: Unfortunately I do not have  
12 the date of the second clipping. It is from the same  
13 newspaper. It is a letter to the editor of the  
14 Halifax Mail Star signed by Joseph MacRae, president  
15 of Local 1723, International Association of Machinists,  
16 in connection with a similar situation affecting the  
17 prevailing rate employees employed in H.M.C.S.  
18 Dockyard in Halifax.

19 THE CHAIRMAN: Right. Will you file the  
20 clippings?

21 MR. LANGLOIS: Yes. It is the H.M.C.  
22 dock yard in Halifax.

23 THE SECRETARY: Exhibit 1176.

24  
25 ---EXHIBIT NO. 1176: Two newspaper clippings from  
the Halifax Mail Star.

26 MR. JACQUES, Q: Whilst we are waiting  
27 should or would your files show whether the pilots  
28 expressed at any time this fear of sudden and abrupt  
29 dismissal from the service whilst you were negotiating  
30 on the prevailing rate matter?







1 A. I think it has been mentioned. I can't  
2 recall if it was mentioned while I was present at a  
3 meeting. I am quite sure this point has been raised  
4 before and I thought that the fears on this point  
5 had been allayed. I think that I can quite see the  
6 point, your lordship, and if there is this kind of  
7 fear that political patronage would come into it, for  
8 instance ---

9 THE CHAIRMAN: It does not matter for which  
10 reason. If their future is insecure for whatever  
11 reason possibly then they would be reluctant unless  
12 they have some guarantee.

13 THE WITNESS: Yes, I think perhaps part of  
14 the answer to that is this: If they were completely  
15 under the Civil Service Act the risks would reflect  
16 perhaps the greater security, if such exists.

17 THE CHAIRMAN: We will have this further  
18 explained by somebody from Personnel later on.

19 THE WITNESS: Yes, my lord.

20 MR. LANGLOIS: My purpose in mentioning this  
21 was to show there was a basis for the fear that was  
22 expressed by these pilots.

23 THE CHAIRMAN: That is quite all right. We  
24 appreciate that.

25 MR. JACQUES, Q: The next question is  
26 question 16 and refers to radar courses. We have  
27 heard that some pilots' licences may be endorsed after  
28 following a radar course.

29 A. There is a two or three week radar  
30 observers course available to anybody in the Halifax





1 school. We cannot, I think, require the pilots to  
2 take this course unless it were new pilots coming in  
3 but it is expected that pilots will keep themselves  
4 abreast of modern developments. As to endorsing  
5 licences, I have not heard of this before. I doubt  
6 whether -- well, the lawyers may complain about this  
7 but certainly some diploma or certificate could be  
8 got for attendance at such course and this is an  
9 excellent idea.

10 Q. There is no requirement at the moment  
11 for a pilot to take the radar course, except those  
12 being licenced under a by-law providing for such radar  
13 course?

14 A. This is correct. I doubt if we could  
15 require any pilots to attend one or to take a course.

16 THE CHAIRMAN: Under the present regulations.

17 THE WITNESS: Under the present regulations,  
18 my lord, exactly.

19 MR. JACQUES: But we have the evidence of  
20 Captain Crook that he did not know about this three  
21 week radar course.

22 A. Well, here again, my lord, we feel that  
23 in a place like Halifax these things are usually known  
24 and the local supervisor should know about it if such  
25 a thing is happening in a local school.

26 MR. LANGLOIS: Captain Slocombe, it is a  
27 fact though that every pilot in Halifax is a qualified  
28 either home trademaster or foreign master and therefore  
29 he would have taken such a course in his training  
30 as master.





1 THE WITNESS: Not exactly, Mr. Langlois. It  
2 would depend upon when he got the certificate.

3 MR. LANGLOIS: Yes. If he is a rather  
4 young man he would have.

5 THE WITNESS: Yes. I don't know just how  
6 many years our requirement is in this respect because  
7 if he did get a certificate within the past few  
8 years he would have had this in his examination for  
9 his master's certificate.

10 THE CHAIRMAN: We have seen the radar  
11 operation and we were impressed by the fact that radar  
12 is a very sophisticated machine and the patterns have  
13 changed within a few years and have evolved very very  
14 much and to interpret radar, some skill is needed so  
15 within the last five or ten years there have been a  
16 lot of changes in that through motion radars and so  
17 on. How do you expect the pilots that had their  
18 masters licences years ago to keep up with that?

19 THE WITNESS: They should be able to be  
20 conversant with the equipment on the new ships now,  
21 should they not?

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1           They are in the same position in this as an  
2 active master or mate of a ship. Once they have got  
3 their certificate there is no requirement under the  
4 present law for them to go back and learn the new  
5 things and keep up with them, but they do learn them  
6 if they are good officers and keep up with them.

7           THE CHAIRMAN: But we have evidence to the  
8 effect that the company who hires a master will see that  
9 he is conversant with the machines that they are going  
10 to give him. You will see that in the Great Lakes.

11           THE WITNESS: Yes, I believe there are some  
12 companies; but that would depend on the individual  
13 company.

14           THE CHAIRMAN: Because it is no use having  
15 all these machines -- maybe the answer would be that  
16 the pilot would not be the one who was obliged to  
17 specialize to read all these machines, that it should  
18 be an officer on the bridge.

19           THE WITNESS: This is my view, my lord.  
20 This is something that I have raised many times in  
21 assessing the degree of fault of the pilot in the  
22 case of casualties. I do not believe that the pilot's  
23 job is to stick his head into the radar screen. He  
24 should be out on the bridge so that if, in a fog, for  
25 instance, there is a slight clearing and there is  
26 suddenly something visible on the bank of the river,  
27 then the pilot is the very one who can recognize that  
28 something; but if he has got his head in the radar  
29 screen he cannot; and while somebody suddenly from  
30 outside on the bridge says "I can see something", by





1 the time the pilot gets there the fog has closed in  
2 again.

3 THE CHAIRMAN: And there are many kinds of  
4 radar now, by many companies, making many different  
5 kinds of sets, some more accurate and some less  
6 accurate; and there are machines which are not always  
7 the same as the others, with the same markings, but  
8 the officer who is always handling the machine is  
9 used to its irregularities and could give a better  
10 reading?

11 THE WITNESS: Yes, my lord. I quite see the  
12 trend of your lordship's thinking and I perfectly  
13 agree with it.

14 May I say that if pilots were on salary the  
15 Department could delegate them off to take such  
16 courses and to keep up to date and still keep them  
17 on pay.

18 THE CHAIRMAN: Yes.

19 THE WITNESS: It is very difficult to do  
20 that when the pilots are under the present situation  
21 of employment; I was wondering to what extent it  
22 would be possible to keep them conversant with the  
23 particular machine that is going to be on the ships --  
24 whether it shouldn't be the responsibility of the  
25 mate or one of the officers of the watch to interpret  
26 the radar?

27 THE WITNESS: This is my opinion, that it is  
28 the duty of the officer of the watch to keep a radar  
29 lookout and to inform the pilot of what he sees. That  
30 does not preclude, in the case of a buoyed channel, the





1 pilot taking a quick look at the radar just to see  
2 if he can interpret it quickly.

3 THE CHAIRMAN: Because he is more familiar  
4 with the features, or the surroundings, than the mate  
5 would be?

6 THE WITNESS: This is right; he knows what  
7 to look for.

8 THE CHAIRMAN: So there are both sides.

9 COMMISSIONER SMITH: With respect to this  
10 question, would you be in favour of some sort of  
11 elementary course of instruction as a sort of pre-  
12 requisite before a pilot gets his licence -- and I am  
13 speaking of the future, on the question of radar,  
14 electronics and so forth? Don't you think that would  
15 be a desirable step?

16 THE WITNESS: Yes, Mr. Smith, I do; and I  
17 think that as soon as the approved radar courses  
18 are available -- we have two radar-simulator courses  
19 approved now; I think one in Vancouver and one in  
20 Toronto -- and possibly one in Halifax; so that in  
21 amending the by-laws this might be made a prerequisite  
22 for entry as a pilot, having taken such a course;  
23 just as we require a certificate; this would be an  
24 added requirement, perhaps.

25 MR. JACQUES, Q: Question 17 refers to the  
26 former apprenticeship system which existed in Halifax.  
27 Will you tell us why it was abolished?

28 A. I think, my lord, it is generally  
29 recognized now in all the pilotage districts other than  
30 the St. Lawrence that if there is a source of supply









1 from experienced master mariners a more competent  
2 service results. These men have had the responsibility  
3 of their own ships and this does mature them.

4 So far as the apprenticeship schemes are  
5 concerned, I think, perhaps, some people would agree  
6 with me that they were chiefly a source of cheap labour  
7 for the pilot boats.

8 I read through Pilot Sullivan's evidence in  
9 Halifax, and I think that his evidence of his early  
10 as an apprentice didn't throw a very good light on  
11 the apprenticeship scheme at least of these days. But  
12 here, again, if it were found, as we are now  
13 discovering in Saint John, that the source of material  
14 for pilots is drying up, in the way that we have, then  
15 we must look for another way; but I rather think that  
16 the apprenticeship scheme that would be set up now  
17 would not be the same kind as it used to be.

18 THE CHAIRMAN: It may be something along the  
19 lines of what exists on the St. Lawrence?

20 THE WITNESS: Yes, something along these  
21 lines. But we do feel that entry should not be at  
22 such a low level. We feel that if a man has had  
23 experience even now in this area, if he has had  
24 experience in a responsible position on board ship,  
25 then he is better able to grasp the needs of a  
26 particular district more quickly, so that would mean  
27 a shorter apprenticeship scheme than now they have in  
28 the St. Lawrence.

29 MR. JACQUES: If I understand well, in a  
30 given apprenticeship system there would be possibilities





1 of joining at various stages depending on prior  
2 experience at sea? ---

3 MR. LANGLOIS: There is a requirement in  
4 Halifax that he should have been a master for at least  
5 two years, isn't there?

6 THE WITNESS: We haven't got an apprenticeship  
7 system in Halifax now, and we haven't in Saint John  
8 now; but it may be that we will have to bring back  
9 something; and this is something that has to be kept  
10 under close scrutiny.

11 Now, your question, Mr. Jacques, was ---?

12 MR. JACQUES, Q: My question was: You would  
13 be in favour of an apprenticeship system where entry  
14 into the service could be made at various stages and  
15 not always starting at the bottom, depending upon  
16 prior experience at sea?

17 A. Well, my thought is that there would be  
18 an open competition and that the best men who were  
19 available and who applied would be chosen. These men  
20 would necessarily have to be prepared to accept a  
21 lower remuneration for the period of apprenticeship,  
22 and this is what makes this difficult, that once a  
23 man has reached a position of responsibility with  
24 family responsibilities and so on it is very difficult  
25 to give this up and drop back for several years to  
26 very little remuneration for the sake of something  
27 later.

28 MR. LANGLOIS: This competition would be  
29 to make the man an apprentice?

30 THE WITNESS: This is what I was referring to;





1 but in a new system entry should definitely be by  
2 competition, in which, first of all, the terms of  
3 the apprenticeship would have to be laid out and then  
4 invitations would have to be put out in the press and  
5 so on for applicants who were willing to accept  
6 these conditions, and then the best applicants should  
7 be picked out of the applicants that would make  
8 application.

9 MR. JACQUES, Q: The next question refers  
10 to the Halifax Joint Committee.

11 A. May I tie that in with No. 26, Mr.  
12 Jacques?

13 Q. Yes.

14 A. You ask almost the same question there.

15 Q. Yes; with particular reference to the  
16 investigation of casualties.

17 A. Yes; it is the local advisory committee.

18 Q. Then, we will delay that question.

19 A. I can give you the answer now and then  
20 answer that one as well.

21 Q. Please do.

22 A. And during meetings of departmental  
23 officials with local shipping people in Halifax in  
24 1958, agreement was reached on the formation of a local  
25 advisory committee composed of three representatives  
26 of the pilots and three representatives of the ship  
27 owners or agents, with the supervisor of pilots as  
28 chairman. The agreement was confirmed by letter  
29 dated November 5th, 1958, from Captain Jones to the  
30 District Supervisor, and the terms of reference of the









1 committee were set out in that letter.

2 I think I can file a copy of the letter if I  
3 can find it here, which will give the full terms of  
4 reference. But these terms of reference, to mention  
5 particularly the last part of your question, included  
6 the following:

7 "To act as a Board of  
8 Inquiry in cases of misconduct  
9 on the part of pilots; into the  
10 actions of a pilot who has been  
11 involved in a casualty; into any  
12 case of non-compliance with the  
13 by-laws by a pilot,"  
14 and it makes recommendations concerning such disciplinary  
15 action which may be deemed suitable.

16 Q. Isn't it rather that immediate inquiry  
17 into minor casualties suffered by ships being piloted  
18 and into causes of damage to wharfs and port  
19 installations generally, caused by such ships?

20 A. You are looking at a later amendment, Mr.  
21 Jacques.

22 May I go on?

23 Q. Yes.

24 A. The first meeting was held on January  
25 15, 1959 and, as the minutes show -- we will be able  
26 to file copies of the minutes -- the members expressed  
27 unwillingness to act in disciplinary matters other  
28 than in the minor accidents. As a result, the terms  
29 of reference were amended to clarify this item and a  
30 later meeting, on October 19th, 1960, it was clarified





1 that any incident concerning which a departmental  
2 preliminary inquiry was not immediately ordered would  
3 be considered a minor incident to be dealt with by the  
4 committee.

5 COMMISSIONER SMITH: And anything other than  
6 that would be considered a major incident, would it?

7 THE WITNESS: Well, if the matter were being  
8 dealt with by a preliminary inquiry ordered by the  
9 Department then the local advisory committee wouldn't  
10 touch this.

11 This was just a bit of wishful thinking on  
12 my part. I had hoped we would get some support in  
13 this very troublesome aspect of pilotage administration  
14 dealing with the discipline of pilots, but I didn't  
15 meet with much success.

16 COMMISSIONER SMITH: What I was thinking about  
17 was this: In the case of an accident or a casualty  
18 of some kind -- not too serious -- the authority  
19 contacts the supervisor and asks him to make some  
20 casual, preliminary examination of the situation and  
21 test the responsibility of the pilot and a few other  
22 preliminary things.

23 THE WITNESS: This is routine. We do not  
24 ask them to do that each time; he is supposed to do  
25 that.

26 COMMISSIONER SMITH: Then it moves on from  
27 that to a preliminary inquiry.

28 THE WITNESS: If it is serious enough, then  
29 a preliminary inquiry is ordered, and following that  
30 it would be dealt with by the Department.





1 COMMISSIONER SMITH: Following the preliminary  
2 inquiry.

3 THE WITNESS: The report of the preliminary  
4 inquiry would be handled by Ottawa in the usual way  
5 and the local advisory committee would not touch this,  
6 at their own request.

7 COMMISSIONER SMITH: After the preliminary,  
8 if it was major in importance then they would step  
9 into the picture.

10 THE WITNESS: They would not come into the  
11 picture at all. If the preliminary inquiry were held  
12 under the Canada Shipping Act then they would not  
13 come into it at all. They were willing to deal  
14 with minor items which they described in a later --  
15 yes, the words I read out there were contained in the  
16 first letter addressed to Captain Seeley as  
17 superintendent of pilots at that time and under date  
18 of November 5th, 1958 and sent by Captain Jones and  
19 I will read the following list of Terms of Reference.

20 "The following are the Terms  
21 of Reference, to discuss and make  
22 recommendations concerning the  
23 general operation of the district  
24 including but not being limited  
25 by the following:

26 (a) To make recommendations  
27 concerning any amendment to the  
28 by-laws which might be deemed  
29 desirable:

30 (b) To make recommendations with







1 respect to policy and procedure  
2 in the recruitment of pilots  
3 and on increases or decreases  
4 in the number of pilots to be  
5 licensed:

6 (c) To act as a board of  
7 inquiry in cases of misconduct  
8 on the part of pilots, into the  
9 actions of a pilot who has been  
10 involved in a casualty, into  
11 any case of non-compliance with  
12 the by-laws by a pilot and to  
13 make recommendations concerning  
14 such disciplinary action as may  
15 be deemed suitable."

16 MR. JACQUES, Q: Excuse me. What is the  
17 date of those Terms of Reference?

18 A. November 5th, 1958. To go on:

19 "(d) To inquire into and to  
20 make recommendations concerning  
21 any representations towards  
22 changes in pilotage tariff:

23 (e) To make recommendations with  
24 respect to navigational aids  
25 within the district concerned  
26 with a view to promoting efficient  
27 and safe pilotage; also with  
28 respect to dredging and other  
29 improvements which the committee  
30 might deem desirable."





1 That was the end of that letter. I have  
2 here the minutes of the first meeting of the local  
3 Advisory Committee dated 15th January, 1959.

4 Q. Who attended that meeting?

5 A. Captain Seeley, superintendent of  
6 pilots was in the chair. The Steamship Committee  
7 of the Halifax Board of Trade were represented by Mr.  
8 W. Barnstead and Mr. G. Webb. The Halifax Pilots  
9 Committee were there in the presence of Captain E.K.  
10 Hartling, Captain C.T. Ormiston and Captain L.C.  
11 Whorral.

12 I am not sure whether there were five members  
13 of the committee at that time or three so this was  
14 a complete Halifax Pilots Committee.

15 Q. During that time negotiations were  
16 carried on to establish the Terms of Reference for  
17 the Committee?

18 A. This committee was called on the basis  
19 of the Terms of Reference already ---

20 Q. Established?

21 A. Established by this letter which I read.

22 Q. I understand that subsequent to the  
23 first meeting there were changes in the Terms of  
24 Reference?

25 A. I thought this was -- here it is. I  
26 want to read this section at this point. There were  
27 several items discussed. I don't think they are of  
28 particular interest now. They were on various items  
29 which were well within the Terms of Reference.

30 With regard to misconduct on the part of a





1 pilot the minutes say at this stage only minor  
2 matters of discipline in which a superior authority is  
3 not likely to become involved would be dealt with by  
4 the local advisory committee. When such an incident  
5 occurs the Superintendent of Pilots would conduct  
6 the initial inquiry immediately to assess the  
7 culpability of the pilot.

8 This, of course, was the wish of the Local  
9 Advisory Committee concurred in, I assume, by the  
10 pilots as well as by the shipping people.

11 On the basis of that there were amended  
12 Terms of Reference and the date on the bottom of this  
13 sheet -- it is not in the form of a letter. This  
14 is merely a sheet showing these Terms of Reference,  
15 the date is August 1960.

16 Q. There were changes made in the paragraph  
17 concerning inquiry into alleged misconduct and also  
18 with respect to minor casualties, were there not?

19 A. There is a slight change but in fact  
20 not much of a change as shown in this. It is changed  
21 to this: "To inquire into cases of alleged misconduct  
22 on the part of pilots; into the actions of a pilot  
23 who has been involved in a casualty; into any case  
24 of non-compliance of the by-laws by a pilot; and to  
25 make recommendations concerning such disciplinary  
26 action as may be deemed advisable".

27 The only change there is the change from  
28 the reference of a Board of Inquiry and I think this  
29 change was made because of objections by the legal  
30 officers of the Department, on the question of the







1 legality of such a procedure but there are further  
2 letters on this. I am afraid I will have to file this  
3 on Monday, my lord which do show the decision of the  
4 Local Advisory Committee on the kind of incident  
5 which they would be prepared to look into, as you  
6 might say or to deal with at all and there is even  
7 a mention of casualties such as striking a dock which  
8 are the cause of damage up to a certain amount.

9 This is laid out and with your permission,  
10 my lord, I will have another look at that and file  
11 the relevant documents on Monday.

12 THE CHAIRMAN: Yes.

13 MR. JACQUES: May I give it a number, now,  
14 my lord, so it will follow in the proper sequence?

15 ---EXHIBIT NO. 1177: Terms of Reference and related  
16 documents with respect to the  
17 Local Advisory Committee in the  
Halifax Pilotage District.

18 THE CHAIRMAN: Have you any objection, Mr.  
19 Langlois because this is really history. It is not  
20 a contentious matter because your client might not be  
21 hearing the testimony.

22 MR. LANGLOIS: No.

23 MR. JACQUES, Q: What I am particularly  
24 interested in is has this committee functioned?

25 A. Yes, my lord, it has functioned. It  
26 has continued to function up to the present and we  
27 feel it has been very useful.

28 Q. Now, there appears to be no legal  
29 status for this committee?

30 A. This is quite correct. There is no





1 legal status.

2 Q. Has any thought been given to creating  
3 a legal status for that committee within the by-laws?

4 THE CHAIRMAN: Do you think it should be  
5 the by-law or the law?

6 MR. JACQUES: It could be in the by-law,  
7 my lord, because the Minister may delegate his authority  
8 to such person or persons with respect to various  
9 matters as he decides.

10 A. We have not gone as far as thinking  
11 along those lines.

12 THE CHAIRMAN: This committee was an experiment,  
13 was it not?

14 THE WITNESS: It is an experiment, yes.

15 THE CHAIRMAN: You had the same experiment  
16 in Montreal but there you did not have the same Terms  
17 of Reference and it failed.

18 THE WITNESS: This is so. We did find it did  
19 not work in Montreal and Quebec districts.

20 THE CHAIRMAN: It did not have the same  
21 Terms of Reference as the one in Halifax. They were  
22 looking after discipline in Montreal.

23 THE WITNESS: The Terms of Reference were  
24 intended to be the same, my lord.

25 THE CHAIRMAN: I don't think ---

26 THE WITNESS: Where the failure occurred was  
27 in the matter of discipline.

28 THE CHAIRMAN: Their board in Montreal did  
29 not follow the same trend as the one in Halifax. In  
30 Halifax it was a matter of advising and in Montreal





1 it was a matter of looking after discipline and this  
2 discipline angle failed.

3 THE WITNESS: It could not have been more  
4 than **advisory** in any case. All that the  
5 Advisory Committee was assumed to be expected to do was  
6 to make recommendations.

7 MR. JACQUES, Q: What his lordship means  
8 is that the Terms of Reference with respect to  
9 discipline were not adhered to by the Montreal  
10 Committee and it failed and it petered out for some  
11 unknown reason.

12 MR. LANGLOIS: There is evidence, my lord,  
13 on the record that in the case of Quebec it failed.  
14 It did not work because the recommendations of the  
15 Local Committee were not followed up by Ottawa, were  
16 not acted upon by Ottawa. Pilots were suspended  
17 upon the recommendation of the Local Committee and  
18 no action was taken by Ottawa.

19 THE CHAIRMAN: In Montreal and Quebec I think  
20 they dealt almost exclusively with discipline.

21 THE WITNESS: Yes.

22 THE CHAIRMAN: While in Halifax they had other  
23 fields and tried in other fields. They did not go  
24 too much alone with regard to the discipline matter.

25 THE WITNESS: This is correct and they are  
26 still working in other fields.

27 MR. JACQUES, Q: With respect to these  
28 committees, we have had evidence of such committees in  
29 Montreal and Halifax. Are there any other committees  
30 elsewhere?







1 A. It was intended to be put into effect  
2 in each pilotage district. It does work in B.C.  
3 as maybe not in exactly this form but it is quite  
4 common to have these meetings in B.C. with the local  
5 shipping people.

6 Q. Is it an organized committee with  
7 Terms of Reference laid down by the Department?

8 THE CHAIRMAN: In B.C. from the evidence  
9 with regard to discipline, the expedience, I would say,  
10 taken by Captain Eddy is that whenever there is  
11 something that needs to be investigated, as far as  
12 discipline is concerned, he calls also the Pilots  
13 Committee and then the man is paraded before the  
14 meeting in the presence of this committee and then  
15 the man is told all the evidence that is against  
16 him and he is asked to explain, with the assistance  
17 of the Pilots Committee. It works well. He is  
18 advised as to what to do. Then, whenever they wish  
19 to have some consultation with regard to something  
20 else then they have a joint meeting of pilots and  
21 shipping and so on. Captain Eddy is quite able to  
22 do that.

23 THE WITNESS: This is correct, my lord.

24 MR. JACQUES, Q: Are there written Terms of  
25 Reference for B.C. with respect to the Pilots Committee?

26 A. There were in the first case. This  
27 was sent out to each of the districts. I think I sent  
28 out instructions to drop it after our poor experience  
29 in the St. Lawrence.

30 The occasion Mr. Langlois referred to, this





1 was a case where the Local Advisory Committee did  
2 recommend a penalty to the pilot but when it was  
3 assessed by the legal officers of the Department, as  
4 all these disciplinary problems must be before the  
5 penalty can be imposed by the Minister, there were  
6 so many holes shot in it. I think perhaps Mr.  
7 Langlois had a lot to do with that.

8 THE CHAIRMAN: Well here it is now. We are  
9 not going to get into this angle because it will  
10 certainly come up when we are studying Montreal but  
11 this discussion will be referred to.

12 MR. LANGLOIS: I would like to put on the  
13 record I had nothing whatever to do with it. Perhaps  
14 Mr. Jacques did.

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1 MR. JACQUES: Q: You said you withdrew  
2 these Terms of Reference?

3 A. I did; with particular reference to  
4 this disciplinary matter, anyhow.

5 Q. But today how many local advisory  
6 committees are still functioning?

7 A. Only Halifax.

8 Q. And British Columbia?

9 A. Well British Columbia does so on ---

10 Q. They carry on on their own?

11 A. They unofficially do have these meetings  
12 with the local people, so that the need for a formal  
13 view on this is not so necessary in British Columbia.

14 Q. With respect to the Terms of Reference  
15 of the Halifax local advisory committee, looking at  
16 the Terms of Reference which ones would you say are  
17 dealt with by this committee?

18 A. All of them. This disciplinary one  
19 is still supposed to be in the Terms of Reference.

20 Q. Item (c)?

21 A. Yes; Item (c) is still supposed to be  
22 there, but later documents, which I will produce,  
23 show that it was clarified as to which such cases  
24 would be dealt with by the local committee. There  
25 hasn't been a case since the formation of the local  
26 committee that has been dealt with.

27 Q. A disciplinary case?

28 A. Yes.

29 Q. Have you had cases concerning amendments  
30 to the by-laws?







1 A. Well, I would have to look through all  
2 the minutes to find this out.

3 Q. Would the minutes be included in the  
4 documents which you are going to file?

5 A. Of every meeting?

6 Q. I am particularly interested in finding  
7 out whether these Terms of Reference are useful or  
8 not. They ~~may~~ be on the books but nobody may make  
9 use of them.

10 A. No, they are useful, because Captain  
11 Seeley and Captain Latter following him sent these  
12 minutes of each meeting to us each month, and sometimes  
13 if there was something that needed attention action  
14 was taken on it; whether we were in favour of it or  
15 not is another matter.

16 Q. Would you for, say, the last two years,  
17 what is the number of recommendations you have had on  
18 each of these Terms of Reference, to find out whether  
19 they are, in fact, used by the local advisory committee?

20 A. We can do that. For two years?

21 THE CHAIRMAN: Yes.

22 MR. JACQUES: Two years is quite sufficient.

23 A. Yes. At first there were monthly  
24 meetings, but they have become a little less frequent  
25 lately, and we have fairly recently told the supervisor  
26 that he need not send these to Ottawa. This, obviously,  
27 of course, doesn't relieve him of the duty of bringing  
28 to our attention anything that requires action, but  
29 many of these matters are things that the local  
30 supervisor can deal with himself.





1 Q. Perhaps the Commission would be  
2 interested in the frequency of the meetings?

3 A. That will show in the copies of the  
4 minutes. We will produce copies of all minutes of  
5 meetings for the last two years.

6 MR. JACQUES: Under the same number, 1177.

7 THE CHAIRMAN: To a certain extent we are  
8 interested in the frequency of the meetings just to  
9 make sure that they were meeting.

10 THE WITNESS: As I say, by having one monthly  
11 meeting it was found that the meeting would be called  
12 and there was nothing to discuss, and it was decided  
13 to change this to adjournment at the call of the  
14 chair, and so these meetings have been called more  
15 recently as required, and they are very good.

16 COMMISSIONER SMITH: There seems to be  
17 some reluctance on the part of the authorities to  
18 establish and follow the recommendations of these  
19 local advisory committees. I have in mind the report  
20 of Sir Alexander Gibb on the National ports which  
21 was made many years ago before the National Harbours  
22 Board was formed. In that report he recommended,  
23 for the purpose of the Harbours Board the establishment  
24 of local advisory committees, and they were never  
25 established. Halifax has a commission, I think, with  
26 some provincial executive there, but that wasn't  
27 in the mind of Sir Alexander Gibb at the time. But  
28 there seemed to be, on the part of the authorities --  
29 the National Harbours Board and the others -- an  
30 attitude "Why establish local advisory committees to





1 advise people who are supposed to be experts in the  
2 operation of the functions they have under their  
3 jurisdiction and under their control?" And the  
4 result was that there were never any local committees  
5 established. I think that was the feeling -- "Oh,  
6 we don't need any advice," or "We don't need any  
7 support." "We are obligated to carry out the functions  
8 of the work we are assigned to do, and that is it."  
9 I was wondering if the same sort of feeling might  
10 exist in connection with these local committees.

11 The evidence that we have had, as Mr.  
12 Langlois says, is not very favourable to the attitude  
13 of the higher authority here in Ottawa. There may  
14 have been some legal complications that ---

15 THE WITNESS: Well, Mr. Smith, the case Mr.  
16 Langlois referred to, where the recommendation of the  
17 local advisory committee was not followed, was a  
18 disciplinary matter and dealt with penalty to a pilot,  
19 and with modern Bill of Rights considerations the  
20 legal officers felt the evidence was not sufficient.

21 COMMISSIONER SMITH: That may be; but ---

22 THE WITNESS: But so far as the other thing  
23 you said, there is definitely not this attitude on  
24 the part of the Department, so far as those I know  
25 are concerned, against having local advisory committees.

26 COMMISSIONER SMITH: I thought in the  
27 evidence we had before us somebody said "We threw up  
28 our arms that we couldn't succeed; we couldn't  
29 make any progress"?

30 THE WITNESS: I said that. I forget where









1 it was, but I did rise at one time and I mentioned  
2 this, that we had tried the local advisory committee  
3 in the case of a disciplinary question and we had  
4 found that the parties concerned had just taken the  
5 party line, and that is all; the pilots's representative  
6 just were against any penalty and the ship owners'  
7 representatives were for the penalty; so that under  
8 those circumstances it is useless to have this kind  
9 of a committee.

10 THE CHAIRMAN: The question is a question  
11 of jurisdiction. There is a difference between  
12 policy and administration, and also, which is a  
13 quasi judicial function -- that is, to decide the  
14 liability in a case and to assess the punishment.  
15 In such a case that is a trial; and there is no trial  
16 possible by something that is not a court. So this  
17 is why holes were shot into your scheme.

18 THE WITNESS: You have explained it much  
19 better than I could. But without any consideration  
20 with regard to disciplinary penalties on pilots, I  
21 decided we had better wait until we have a clarification  
22 of the procedure and have a proper system which will  
23 hold up.

24 COMMISSIONER FENWICK: But is not the  
25 strength of the local committees based on the fact  
26 that you are able to get together shippers and pilots  
27 at the local level to discuss matters that otherwise  
28 might be contentious?

29 THE WITNESS: This is it; and this is what  
30 we like. But, as his lordship says, it fell down in





1 the case of penalties to pilots.

2 THE CHAIRMAN: With respect to penalties,  
3 the British Columbia system is a little better because  
4 the one who has the power to deal with discipline  
5 has assessors with him. The one who has the power  
6 has assessors who are the pilots' representative, or  
7 they could be also the shipping representatives; it  
8 could be on both sides. They are just there as  
9 advisors.

10 THE WITNESS: Yes, my lord; and what we  
11 like about this is that the pilots are being judged  
12 by their own peers.

13 THE CHAIRMAN: No, not really judged; they  
14 are judged by the superintendent of pilots, but he  
15 seeks the opinion of the pilots' representative.

16 THE WITNESS: Yes; the only thing about  
17 this is, if I may say so, that it works as long as  
18 the pilot concerned is willing to bow to the dictum  
19 of the supervisor in this. If he did not accept this  
20 graciously and protested then we would have to go  
21 through a different system again, and then we would  
22 have to follow the rules of evidence which, perhaps,  
23 are not followed at the local level.

24 MR. LANGLOIS: My lord, to follow up the  
25 remark by Mr. Smith in regard to reports in Quebec  
26 City and Montreal, they have pilotage committees  
27 composed of representatives of the shipping industry,  
28 the Board of Trade and municipal authorities. They  
29 get some reports from the National Harbours Board  
30 but they don't get the full reports they should





1 receive.

2 COMMISSIONER SMITH: The Gibb Report made  
3 this local advisory committee part of the organization  
4 -- not the headquarters organization, but part of  
5 the local organization, or the set-up that he was  
6 recommending; and it was pretty well all implemented  
7 by the statute with the exception of the local advisory  
8 committees.

9 MR. LANGLOIS: That is right; and, my lord,  
10 since the evidence in connection with Saint John is  
11 over now and since this reference has been made to  
12 the words of this local advisory committee maybe we  
13 should ask the witness what happened to it.

14 THE WITNESS: In Saint John and Sydney it  
15 does not seem to have worked. I can't tell you why;  
16 but the advisory committees have not been ---

17 MR. LANGLOIS: I am instructed that it  
18 failed because the Shipping Federation and the pilots  
19 were ready to have meetings and the supervisor  
20 refused to have meetings, and he was the chairman.

21 THE WITNESS: I don't think this is on our  
22 record, my lord.

23 MR. JACQUES, Q: The next question ---

24 THE CHAIRMAN: I am just wondering, with  
25 respect to this, whether you could find out, so far  
26 as Saint John is concerned, why it failed.

27 THE WITNESS: We can find this out by  
28 telephone, and I will have the answer on Monday, and  
29 for Sydney as well.

30 COMMISSIONER RENWICK: Will your conversation









1 be with the man who was supposed to chair the meetings  
2 and who refused to act?

3 THE WITNESS: He is the only man we can  
4 refer to in this. If I may, I would suggest that  
5 you mustn't judge him beforehand.

6 MR. LANGLOIS: If I may make a suggestion,  
7 there is a Mr. Kane of the Shipping Federation. He  
8 was the one who asked for the meetings, apparently.

9 THE CHAIRMAN: Mr. Kane?

10 MR. LANGLOIS: Yes.

11 THE WITNESS: We will do that.

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1 MR. LANGLOIS: I am told, My Lord,  
2 that following this refusal by the Supervisor, Mr. Kane  
3 resigned from the Committee.

4 THE WITNESS: We will see what  
5 information we can get, My Lord.

6 THE CHAIRMAN: We are very interested  
7 in this in regard to the question of decentralization.  
8 Decentralization does have great advantages but also  
9 there may be some guards to take. I am not trying to  
10 blame any individual but everybody is made differently  
11 and reacts differently and so that may be an impression  
12 of what is going on, but we will appreciate it if  
13 you can obtain that information as to why this Advising  
14 Committee did not establish one for Saint John. You  
15 can contact Mr. Kane and make an inquiry?

16 THE WITNESS: Yes.

17 THE CHAIRMAN: Try to have an explanation  
18 and should we feel that further investigation is to  
19 be made, we will do it.

20 THE WITNESS: Very good, My Lord.

21 MR. JACQUES: Q. Question 19, pilot  
22 boat crew. Why was a third crew member refused?

23 A. The third crew member was refused  
24 because the Department could not agree that a third man  
25 was required on this small vessel and this is a matter  
26 of --

27 Q. My instructions are that a third man  
28 is necessary in case of casualty.

29 A. Well, I leave to the Commission the  
30 decision as to whether there should be a third extra





1 government employee employed in case one man falls  
2 overboard. This is a matter of opinion.

3 Q. If I was the man falling overboard,  
4 I would say "Yes".

5 A. You might say we should have four in  
6 case two men fall overboard.

7 MR. LANGLOIS: You would say nothing  
8 if you were the man that fell overboard.

9 MR. JACQUES: Q. In New Westminster,  
10 how many crew members do you have?

11 A. Two.

12 Q. Is that the standard practice for  
13 all your pilot boats?

14 A. Yes. Where the engines are maneuvered  
15 from the bridge, two on the B.C. boats, yes. There  
16 are three on the Les Escoumains boats because these  
17 were certificated engineers with a pilot third class  
18 engineer's certificate required there. He is in the  
19 engine room in the Les Escoumains boat.

20 Q. The engineer is in the engine room?

21 A. Yes.

22 Q. In Saint John, New Brunswick, I am  
23 told, there are four men?

24 A. This is a very much larger boat.

25 Q. I am told she would be the largest  
26 of all the pilot boats in Canada?

27 A. I think perhaps she is the largest.  
28 She has a twin screw. The Les Escoumains boats are  
29 twin screw. I think the Saint John boat is still the  
30 longest.







1 Q. And she is not bridge controlled, as  
2 I recall, from our visit.

3 A. No.

4 THE CHAIRMAN: I recall in Halifax  
5 it is bridge controlled.

6 THE WITNESS: This suggestion by the  
7 pilots has been very fully considered, My Lord, and  
8 we have not been able to convince anybody this extra  
9 expense should be incurred just in case somebody should  
10 fall overboard.

11 MR. JACQUES: Q. I assume that the  
12 third person would be able to save the person falling  
13 overboard or from further harm?

14 A. This is so.

15 Q. The next question --

16 MR. LANGLOIS: Could not the staff  
17 in the office be cut and put the extra man on the boat?

18 THE WITNESS: The staff from the  
19 office -- well, the staff from the office -- excuse  
20 me -- I can answer this very quickly. I think we  
21 have a dispatching staff there which are working the  
22 maximum hours allowed. There is a 24-hour dispatching  
23 service to dispatch 20 pilots and there is just a  
24 Superintendent, a Supervisor and a stenographer.

25 MR. LANGLOIS: Seven all told?

26 THE WITNESS: Just the Supervisor and  
27 a stenographer who does the accounting. I hardly think  
28 we could cut those. Three in the Supervisor's office.

29 MR. LANGLOIS: A staff of seven all  
30 told?





1 THE CHAIRMAN: We have an Exhibit here.

2 THE WITNESS: It is in the evidence.

3 MR. JACQUES: I don't think my learned  
4 friend's suggestion is serious anyway.

5 Q. If we may turn to question 20. I am  
6 advised that the then members of Parliament Ishner and  
7 Dickey played a role in pilotage affairs in Halifax  
8 in 1949-1950.

9 A. I think that the occasion was this,  
10 My Lord. As the Commission will remember, before May  
11 14th, 1948 the pilots were stationed in watches  
12 on board large pilot vessels crossing off Chivucto Head  
13 and they boarded incoming ships by a rowboat from the  
14 large vessels. There were two vessels. This of course  
15 was a continual drain on the Halifax Pilotage fund  
16 as well as being unnecessary in view of modern radio  
17 facilities.

18 THE CHAIRMAN: Just to interrupt you  
19 there. The use of these cruising boats dated from  
20 the times when that was the only method they had  
21 because there was not, as you said, the radio so  
22 therefore they had no way of getting an ETA in  
23 advance and so therefore they had to cruise outside  
24 the limit of their district.

25 THE WITNESS: This is correct, My  
26 Lord. There were pilots on for a week, I think, at  
27 a time who slept on board.

28 THE CHAIRMAN: Slept on board and  
29 lived on board.

30 THE WITNESS: That is right. Well,





1 in view of changing modern conditions it was decided  
2 this was not necessary any more and it was decided  
3 to dispose of one of the vessels and use the other  
4 as a floating base off Majors Beach inside the harbour  
5 and from this base the GENERAL PAGE, which the  
6 Commissioners no doubt saw in Halifax, to take pilots  
7 out to meet vessels. This decision caused a tremendous  
8 stir amongst the shipping agents in Halifax. They  
9 were quite sure this new system was going to take  
10 trade away from the port and this is when the members  
11 of Parliament were brought into the picture. But when  
12 these members understood what was being done, they  
13 supported the action as did the pilots and later, of  
14 course, the pilots said they would not under any  
15 circumstance return to the previous method of serving  
16 ships.

17 THE CHAIRMAN: The boats then were  
18 owned by the pilots?

19 THE WITNESS: No, My Lord. The boats  
20 have never been owned by the pilots since 1920. The  
21 boats were owned by the Crown.

22 This is something I would like to  
23 explain. Perhaps it would be an appropriate place to  
24 put this in.

25 THE CHAIRMAN: All right.

26 MR. LANGLOIS: They were registered in  
27 the name of the Crown but the pilots paid for them?

28 THE WITNESS: Not the pilots, Mr.  
29 Langlois. The pilotage fund paid for them. This is  
30 not the pilots' money until their expenses have been









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1 paid.

2 MB. LAVOIE: It has only been  
3 earned by then, though?

4 THE WITNESS: It comes out of the  
5 revenue of the District.

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1 HIS LORDSHIP: That is all right.

2 MR. LANGLOIS: We won't quarrel with that.

3 THE WITNESS: Yes, my lord. I have here  
4 a photo copy of the Order-in-Council P.C. 607 of the  
5 14th day of March, 1918 and this Order-in-Council  
6 provided for the taking over the pilotage service.  
7 I am sorry -- the appointing of the Minister of  
8 Transport to be the pilotage authority. This was  
9 made under the War Measures Act and it followed an  
10 inquiry into the explosion in Halifax.

11 It starts:

12 "Whereas the Commission  
13 appointed to acquire into and  
14 report upon all matters  
15 connected with the pilotage  
16 system, the administration of  
17 the Port of Halifax have  
18 recommended that the Minister  
19 of Marine and Fisheries be  
20 appointed the pilotage authority  
21 for the Pilot District of  
22 Halifax in place of the Halifax  
23 Pilotage Pilot Commissioners  
24 and that many changes should  
25 be made in the pilotage regulations  
26 for the said district."

27 It goes on to make the following regulations.  
28 It appointed the Minister of Marine and Fisheries  
29 the pilotage authority and made the following  
30 regulations.





"(1) The Minister of Marine and Fisheries for the time being shall be the pilotage authority of the pilotage district of Halifax and all powers and authority hereto vested in the Halifax Pilot Commissioners are hereby vested in and transferred to the said Minister. All property both real and personal now vested in or under the control of the said commissioners is hereby transferred to and invested in the Crown, to be administered by the Minister of Marine and Fisheries".

Then there is a provision for the re-organizing of the system and employment of necessary staff and appointing pilots, superintendents, offices and clerks and so on and then the item says:

"The Minister may divert or cause to be diverted all expenses in connection with the reorganization and administration of the said pilotage district out of the pilotage funds in the said district and these regulations shall continue in force during the continuance of the present war and for one year thereafter."

MR. JACQUES, Q: After the year expired, what happened?

A. After the year expired the War Measures Act also expired and ---

COMMISSIONER SMITH: Captain, before you pass on from there, following the remark by Mr. Langlois,







1 it is my recollection that there was a very large  
2 sized argument on the lack of uniformity in the  
3 Department and that some of the pilot boats were  
4 provided and paid for entirely by the government.  
5 For instance, the JOLIBERT and the CITADEL at Father  
6 Point and others at Saint John and elsewhere had to  
7 pay for their own. That situation continued I think  
8 until just within the last few years.

9 THE WITNESS: This was the situation, Mr.  
10 Smith, at the time I made my survey in 1947. The  
11 only places where the government did contribute to the  
12 operation and maintenance of the pilotage districts  
13 was in the provision of the pilot boats at Father  
14 Point.

15 COMMISSIONER SMITH: And the CITADEL?

16 THE WITNESS: JOLIBERT may be one and that  
17 was replaced by the ABRAHAM MARTIN later. This was  
18 the only place where a provision was made such as  
19 that.

20 COMMISSIONER SMITH: I think what happened  
21 was that the Halifax people felt that they were being  
22 discriminated against because they had to pay for  
23 something that pilots in Father Point and Quebec  
24 were not called upon to pay for.

25 THE WITNESS: This was raised to me in my  
26 survey by the pilots of all the districts except  
27 Saint John, of course, and this was mentioned in my  
28 report, as you will recall. But, may I say there  
29 is a little fallacy in this. When we say that they  
30 had to pay for the pilotage boats; the thing is that





1 the pilotage rates were fixed -- they had to be  
2 fixed at such a level as would pay the expenses of the  
3 district and still leave enough to give satisfactory  
4 remuneration to the pilots.

5 COMMISSIONER SMITH: That adjustment overcame  
6 the discrepancy.

7 THE WITNESS: That is correct. This matter  
8 of the boats is not mentioned and never has been  
9 mentioned under the by-laws of the St. Lawrence  
10 District. Pilot boats are just not mentioned. This  
11 means that some other arrangement has to be made  
12 and as you are aware the Department now uses  
13 government vessels at Les Escounmains, at Quebec  
14 and Montreal. Wherever a pilot boat is required  
15 it is done directly by the ship owners through private  
16 commercial concerns.

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1 Excuse me, I was reading something here.

2 Q. And following the war ---

3 A. Yes, there was another order-in-council  
4 made to ratify the situation since the War Measures  
5 Act was no longer effective, and this was by P.C.  
6 2556 of 24th December, 1919, and that merely gave the  
7 legal authority for the Minister of Marine and  
8 Fisheries to be the pilotage authority under the  
9 Canada Shipping Act instead of under the War Measures  
10 Act.

11 MR. JACQUES: Might I file these documents  
12 as Exhibit 1178.

13 ---EXHIBIT NO. 1178: A bundle of documents comprising  
14 P.C.'s 2556 of 1919 and 607 of  
15 1918, together with regulations  
made thereunder.

16 MR. LANGLOIS: I don't know if this has been  
17 done, but may I suggest that P.C. 1951-19-1093, which  
18 was the taking over of the pilot boats in Saint  
19 John and Halifax -- has it been filed?

20 THE WITNESS: Yes; these were filed. But  
21 this merely provided other ways of handling the  
22 money or providing the funds. Instead of being taken  
23 from a pilotage fund which was in the custody of the  
24 Minister of Transport as the pilotage authority, these  
25 were provided for assistance at first and then for  
26 complete payment of the expenses out of parliamentary  
27 appropriation.

28 MR. LANGLOIS: I am pleased to note that  
29 the witness is now using the expression that this money  
30 was only in the custody of the Minister.







1           There is the other fact that when these  
2 boats were disposed of by the authority the pilots were  
3 reimbursed, and -- what was the amount? -- \$56,000.00?

4           THE WITNESS: We were going to refer to that  
5 later. This is in another question, as a matter of  
6 fact.

7           THE CHAIRMAN: We are going to adjourn at  
8 this time.

9           ---Recess.

10

11           MR. LANGLOIS: During the recess I was  
12 instructed -- and I want the witness, if it is true,  
13 to confirm it -- that even although the CITADEL was  
14 owned by the Crown, during the war when she was sent  
15 down to Halifax she was chartered to the pilots.

16           THE WITNESS: This is perfectly correct,  
17 and this was a very, very sore point with the Halifax  
18 pilots over decades.

19           MR. LANGLOIS: I can understand that.

20           THE WITNESS: This is ancient history, now.

21           THE CHAIRMAN: Now, there is a point I would  
22 like to make with regard to the status, or the  
23 situation, of the pilotage money.

24           The rule in law is that it is a local  
25 commission; the authority is a local commission; and  
26 being a local commission it may be replaced by the  
27 Ministry; so when the exception is put into effect it  
28 is still the same status or category as before.

29           Now, the service -- the obligation: It is  
30 the obligation of the authority there to provide a





1 service. Of course, you have to have pilots, and it  
2 is up to them to arrange with the pilots about their  
3 remuneration. It might be any kind of remuneration.  
4 It could be a salary, it could be free enterprise --  
5 all the money you are going to make you keep it --  
6 or it might be on a time basis, or it might be on a  
7 job done. We have found all that.

8 Now, the authority is obliged to provide  
9 the service and is, therefore, obliged to provide the  
10 means of providing the service. The authority could  
11 own the boat, or the boat could be owned by the  
12 pilots, or the boat could be supplied by somebody  
13 else.

14 The same with respect to the administration,  
15 in the case of the appointment of a full time secretary,  
16 or an accountant. All kinds of schemes could be  
17 arranged; but it is up to the authority to decide.  
18 So, therefore, from that, in principle, the dues  
19 collected belong to the authority and not to the  
20 pilots.

21 But if they have decided it should be shared  
22 -- after agreement between the authority and the pilots,  
23 that the money should be shared among the pilots in  
24 any way -- time worked, or jobs done -- which is  
25 different -- then, of course, we may say they may  
26 consider the funds their money. But I think in  
27 principle it is not their money.

28 So that this is my reaction. I may be  
29 wrong, and you can correct me.

30 THE WITNESS: My lord, this is the point I





1 tried to make. I am very glad that your lordship  
2 agrees with me because, naturally, I am not a lawyer  
3 and this is just my feeling in the matter from seeing  
4 the documents, for instance, which were produced at  
5 the Sydney hearing, where the assets were sold to the  
6 Crown by the pilots at the time of the Minister  
7 becoming the pilotage authority.

8 THE CHAIRMAN: Of course, when you take  
9 a particular instance then we have to go further to  
10 find out how it started. Of course, at certain places  
11 the furnishing of the boats had to be by the pilots  
12 themselves; so, therefore, when it was furnished by  
13 them it was their boat. But that didn't mean that  
14 the moneys were belonging to them.

15 I recall that in Saint John, New Brunswick,  
16 the boats were owned by the pilots but the moneys  
17 were not belonging to the pilots at all. They were  
18 kept against each other. I think even in the Smith  
19 Commission there was a recommendation that it should  
20 be equalized among the pilots; so, therefore, you have  
21 the recognition which was possible in principle  
22 because the money didn't belong to the pilots; and also  
23 you have the payment of the secretary, for instance,  
24 which is established not by the law but by the  
25 regulations.

26 MR. LANGLOIS: My lord, there is also the  
27 other factor that we must not lose sight of and that  
28 is that in this connection twenty years ago the  
29 pilots were obligated to buy a share of the boat and  
30 paid it to their colleagues.









1 THE CHAIRMAN: That means that the boat  
2 belonged to them. They were obliged to provide this  
3 as part of the service; and to provide also for the  
4 manning of the boat. But that didn't mean that the  
5 moneys collected for dues belonged to them. It is a  
6 question of remuneration. They could have been on a  
7 salary basis; they could have been on a job ton basis.

8 We find in the history of these local  
9 authorities not all the money was distributed, and you  
10 still have that in the fund. We have seen that.

11 THE WITNESS: May I correct something that  
12 Mr. Langlois said as to twenty years ago? This was  
13 up to forty-three years ago, when the Minister of  
14 Marine and Fisheries became the pilotage authority,  
15 and the situation has not existed since that.

16 MR. LANGLOIS: I am told that at Sydney  
17 the last pilot to buy a share was twenty-two years ago.

18 CAPTAIN RYAN: Every pilot had to pay  
19 his 25 per cent the first year.

20 THE CHAIRMAN: But this is Sydney, and we  
21 will postpone that question until we are at Sydney.

22 THE WITNESS: This was a misconception which  
23 I wanted to correct, my lord.

24 MR. JACQUES, Q: And you still haven't told  
25 me what Messrs. Islor & Dickey did?

26 A. All Islor & Dickey did was what any  
27 representative of the people does when a complaint is  
28 made to him. He just approached the officials  
29 concerned and asked them what it was all about, and  
30 in this case they quite agreed with what was being





1 done; but they took no other part other than that  
2 of any representative of the people.

3 Q. Question 21 deals with the pension fund  
4 and I believe Captain Jones will answer that question?

5 A. Yes.

6 Do you wish to take the other items and let  
7 Captain Jones deal with the pension fund afterwards?

8 Q. Yes; question 22 refers to correspondence  
9 with respect to working conditions -- correspondence  
10 exchanged in October, 1957.

11 A. October? Actually, all we can find  
12 so far is a letter of March 27th.

13 Q. Yes.

14 A. That has to do with requesting Captain  
15 Seeley to keep a record of the work donw -- the hours  
16 worked.

17 We haven't yet found just what you may be  
18 referring to. If you can give us a better lead we  
19 will try again and file the correspondence on Monday.

20 Perhaps we could look for this afterwards,  
21 my lord, and file this correspondence on Monday.

22 Q. You should have on your file a letter  
23 sent by Pilot Hambling to Captain Seeley, dated  
24 October 1st, 1957, on pilots' working conditions and  
25 hours worked by each pilot -- October 1st, 1957.

26 A. There, again, we will get that for  
27 Monday.

28 Q. Question 23, I believe, has been  
29 answered?

30 A. Yes; I have filed that correspondence.





1 Q. And on question 24 I believe some  
2 query was made?

3 A. This, again, we haven't got. We will  
4 try to find this.

5 Q. And question 25 has been answered?

6 A. Yes.

7 Q. And also question 26?

8 A. Correct.

9 Q. Now, question 27 refers to an accident  
10 with the IMPERIAL HALIFAX on May 3rd, 1960.

11 A. This, my lord, has to do with the  
12 IMPERIAL HALIFAX on May 3rd, 1960 and the correspondence  
13 on accidents when Pilot Cox was the pilot.

14 Q. Yes.

15 A. Involving difficulty at the Imperial Oil  
16 dock in 1958, 1959, 1960 and 1961.

17 Q. What were the Department findings in  
18 the case of the IMPERIAL HALIFAX on May 3rd, 1960?

19 A. There is a letter here from Captain  
20 Jones to Captain Seeley dated September 14th, 1960  
21 which is the last of this file, of this group of  
22 letters and it states as follows:

23 "Evidence presented establishes  
24 the late pilot Michael Cox  
25 contributed to this accident which  
26 was basically caused by the  
27 excessive speed of the vessel in  
28 the approach to the dock. The  
29 testimony of the pilot that the  
30 master personally took the









1 manoeuvring the vessel out of  
2 of the pilot's hands is not  
3 supported by other evidence but  
4 in any event the pilot apparently  
5 failed to warn the master that  
6 the speed of the vessel was  
7 excessive. Accordingly you are  
8 instructed to have Pilot Cox appear  
9 before you and issue him a severe  
10 reprimand for his contribution  
11 to the accident which ensued as  
12 a result of the poor handling  
13 of the vessel".

14 Q. This was one among a series of accidents  
15 involving the same pilot who at that time had been  
16 granted a yearly licence after he had attained the age  
17 of sixty-five.

18 A. Yes. In fact in this year he was in  
19 his last year before becoming seventy years of age.  
20 Shortly thereafter he had no more licence.

21 Q. In view of the series of accidents or  
22 incidents, I perhaps should say, has the Department  
23 thought of withdrawing the licence?

24 A. Oh yes. This had been thought of, of  
25 course, but the evidence was not sufficient to say  
26 that this man was not competent. After all, he was  
27 a man who had spent a lifetime as a pilot and had  
28 performed these manoeuvres thousands of times and  
29 because of certain incidents -- remember, this is a  
30 case one could not say he was incompetent.





1 I should say here, my lord, that this matter  
2 of responsibility for casualties is a very tricky one.  
3 You could have a pilot who was ready to take the chance  
4 and if he misses a hazard by six inches there is no  
5 casualty. Another pilot who will take the same action,  
6 he will be just a shade further over and there will be  
7 a hole knocked in the ship. The actions of these  
8 two pilots are the same. It is just that one is  
9 luckier than the other.

10 You cannot say that just because a man has  
11 a hole punctured in the ship he is conducting, you  
12 cannot say that he is not fit to be a pilot.

13 Q. In the case of the IMPERIAL HALIFAX has  
14 your supervisor or did your supervisor interview the  
15 master of the ship?

16 A. There is a pile of correspondence here  
17 which leads up to this.

18 Q. Would you tell me what the master of the  
19 ship said about this accident?

20 A. There is something here in a letter --  
21 I haven't been able to see just what the master said  
22 yet. There is a mention here in a letter from  
23 Captain Seeley to Captain Jones in which he said

24 "There seems to be considerable  
25 misunderstanding between the master  
26 and the pilot as to who was  
27 handling the ship when coming  
28 alongside the dock. Nevertheless,  
29 regardless of who was handling the  
30 ship, there is no doubt that the





1 approach to the dock was too  
2 fast."

3 Q. If I may -- if necessary we will have  
4 a witness in Toronto give evidence on that and give  
5 the view expressed from the log book for that date  
6 which reads:

7 "Vessel at sea at 11:18,  
8 Pilot aboard at 11:25, vessel  
9 at half ahead at 11:54;  
10 slow ahead at 11:56, half  
11 ahead at 11:58, full ahead  
12 at 11:59 and 12:00 there was  
13 a stop and double ring astern".

14 The statement of the master would be that  
15 on approaching the dock he gave instructions to the  
16 pilot that the vessel had too much way on her, that  
17 he should go astern as the vessel was going half ahead  
18 at that time. In this case nothing was done. The  
19 master ordered the port anchor to be dropped with  
20 two shackles in the water at 11:59. At that same  
21 moment the pilot gave the order for full ahead, so  
22 obviously somebody was completely wrong.

23 A. May I ask what you are reading.

24 Q. From personal documents and if necessary  
25 a witness will be called in Toronto to prove them.

26 A. That is fine. What are you trying to  
27 find?

28 Q. I am trying to find the extent or  
29 establish the extent of your investigation in a case  
30 where on the face of the documents it is evident







it

1 somebody, be/the master or the pilot -- it may be the  
2 master as far as I know -- I don't know -- somebody  
3 was completely wrong. When you drop an anchor to  
4 stop the ship and go full ahead at the same time, there  
5 is something drastically wrong.

6 A. I think the conclusion reached was that  
7 the pilot had some fault because the ship was going too  
8 fast. This apparently was the only thing we can pin  
9 directly on him and there was this doubt apparently  
10 about what actions the master had taken.

11 Q. In this respect in order to find out  
12 what information you have, would it be possible to have  
13 your file on this and find out first what was the  
14 version of the pilot and who was interviewed and what  
15 did they say to the Department investigation officer.

16 A. This is included -- the report of the  
17 pilot is included in the letter from Captain Seeley in  
18 this file. No, I am sorry -- sir.

19 MR. LANGLOIS: My lord, counsel for the  
20 Commission and the witness each have a personal file  
21 on this and I am wondering if we could have a look at  
22 this.

23 MR. JACQUES: The witness's file is not his  
24 personal file. It is going to be filed as Exhibit  
25 No. 1179. Document relating to accident dated May  
26 3, 1960 concerning the IMPERIAL HALIFAX.

27 ---EXHIBIT NO. 1179: Document relating to accident  
28 dated May 3, 1960 concerning the  
29 IMPERIAL HALIFAX.

30 MR. LANGLOIS: My lord, there has been some





1 quotations read into the record from the personal files  
2 of counsel for the Commission. I think it should be  
3 filed.

4 THE CHAIRMAN: This was only for a question  
5 so therefore it is not in evidence but I understand  
6 it will be put in evidence especially with regard to  
7 that log book extract, which is very important.

8 MR. JACQUES: It could be. If I can say this:  
9 If the information contained in the Department file is  
10 substantially the same as the one I have, then I am  
11 willing to admit the Department's file.

12 THE WITNESS: I had better check, my lord,  
13 before I file this group of documents to make sure  
14 all the documents are here.

15 THE CHAIRMAN: Right.

16 THE WITNESS: I will file these on Monday.  
17 Your lordship will understand I have not gone through  
18 these files myself. It has been provided for me.

19 MR. JACQUES: I will assure Mr. Langlois  
20 unofficially, because it is not the proper way to put  
21 that in evidence, unofficially the Commission counsel  
22 will show you what he has. If the departmental version  
23 of the accident does not agree with the statement I  
24 have, I certainly will call a witness ---.

25 THE WITNESS: I confess to some curiosity  
26 as to the way you got this information, Mr. Jacques.

27 MR. LANGLOIS: I am just as curious as you  
28 are.

29 MR. JACQUES: I have many sources of  
30 information.





1 THE WITNESS: Whatever we have, my lord, will  
2 be put into evidence.

3 COMMISSIONER SMITH: Captain, on the question  
4 of policy and general principles, according to this  
5 statement here, there were four accidents by a single  
6 pilot in Halifax after he had reached the age of  
7 sixty-five.

8 THE WITNESS: This one, Mr. Smith?

9 COMMISSIONER SMITH: Yes, the same one. Now,  
10 whether he was guilty or responsible or not for all  
11 of those, I don't know. That is a matter of record  
12 anyway but on the question of the general principle  
13 of the thing or the policy, would it not seem desirable  
14 that after a pilot reaches the age of sixty-five that  
15 very special care and precaution be exercised in  
16 extending or granting him a new licence, because that  
17 is what they did after he reached the age of sixty-  
18 five -- notwithstanding the fact that he has passed  
19 the eye test and the hearing and the other medical  
20 tests. It seemed to me that there were four accidents  
21 after he was sixty-five and the last one was within  
22 a year before he attained the age of seventy; so on  
23 the question of policy would it not seem desirable  
24 and prudent after he had a couple of accident after  
25 he was sixty-five, to almost refuse to grant him  
26 any further extension.

27 THE WITNESS: This is quite reasonable, Mr.  
28 Smith but in fact -- Of course, we do assess each  
29 accident and if any of these accidents clearly showed  
30 and the inquiry clearly showed that the pilots'







1 reactions or his judgments were failing, then it would  
2 be within the prerogative of the Pilotage Authority at  
3 least to refuse to renew his license for another year,  
4 but we still are up against the extreme difficulty of  
5 taking away a man's licence even though it is only  
6 for one year without clear cause.

7 THE CHAIRMAN: Yes, but I think Mr. Smith's  
8 question there is: Is that taking away the licence  
9 or not granting a new one.

10 THE WITNESS: Not granting a new one is  
11 easier after sixty-five because I think we would, if  
12 there were many accidents -- but this was only one.  
13 There were not several in one year.

14 THE CHAIRMAN: Almost one **a year**. The average  
15 is four in five years.

16 THE WITNESS: In each case it is merely  
17 touching the dock on the approach to the dock.

18 COMMISSIONER SMITH: There are two at one  
19 place.

20 THE WITNESS: This is the Imperial Oil dock  
21 concerning which, I believe, if I remember rightly,  
22 there has been considerable argument with the ship  
23 owners -- with the owners of the dock, at least.

24 COMMISSIONER SMITH: I am not imputing that  
25 there is any irresponsibility on the part of the pilot.  
26 I don't know.

27 THE WITNESS: I quite agree with what you  
28 say, Mr. Smith. If after a pilot reaches sixty-five  
29 he is found to have casualties for which he can be  
30 held responsible clearly, then I would say that the





1 recommendation would be made that it might not be  
2 justified to renew his licence for another year. I  
3 cannot recall now that we ever had such a case -- I  
4 am not just sure -- but I can tell you this, that  
5 most of the pilots feel that they have the right to have  
6 their licence extended until they are seventy, provided  
7 they can pass the medical test.

8 MR. JACQUES, Q: Should it be a right, or  
9 should it be entirely up to the authority whether the  
10 medical examination shows good results or not.

11 A. This is covered in the Act.

12 Q. The Act could be interpreted one way or  
13 the other.

14 A. Well, our reading of this is that it is  
15 a matter of discretion of the pilotage authority,  
16 providing they pass the test.

17 Q. And how has it been administered, in  
18 effect? Has the authority always considered this  
19 a discretion, or as a matter of fact has it always  
20 issued a licence provided the medical examination was  
21 satisfactory.

22 A. No, it hasn't always been done. There  
23 was a period when ---

24 Q. Which district?

25 A. Either Quebec or Montreal -- I forget  
26 which --- when the authority did stop renewing the  
27 licence after the age of sixty-five, but there were  
28 many protests and the pilots claimed, if I recall  
29 rightly, that the word "may" meant "shall".

30 THE CHAIRMAN: Isn't this the situation now





1 on the Great Lakes?

2 THE WITNESS: Yes; but this is not under  
3 the same Act.

4 THE CHAIRMAN: In order to bring parity there  
5 with the American pilots?

6 THE WITNESS: Yes; but, in any case, the  
7 governing legislation is not the same. These are  
8 civil servants, and they follow the same rule as the  
9 rest of the Department.

10 MR. JACQUES, Q: And what sort of an  
11 examination do you require to issue a yearly licence?

12 A. Just a medical examination by a doctor  
13 of National Health and Welfare.

14 MR. LANGLOIS: I am told that this medical  
15 examination is a thorough one, including an electro-  
16 cardiogram?

17 THE WITNESS: We have no reason to believe  
18 that it is not, and we believe that this should be the  
19 case; so we have no reason to believe that the pilot  
20 is not fit after sixty-five.

21 MR. LANGLOIS: And normally this examination  
22 is carried out by the port doctor?

23 THE WITNESS: A doctor of National Health and  
24 Welfare.

25 THE CHAIRMAN: So the policy has been that  
26 should the pilot be mentally and physically fit then  
27 the licence should be re-issued? I mean the policy,  
28 I don't mean the letter of the law.

29 THE WITNESS: We have felt this way, that  
30 there was no reason, shall I say, to stop it. But we







1 have, as you may have noted in Sydney -- the Minister  
2 is not renewing the licence of a man in Sydney now  
3 in view of the necessity of reducing the staff.

4 MR. JACQUES, Q: And the last question is  
5 the view of the Department on instructions from dock  
6 owners on how ships should be brought alongside.

7 I am advised that discussions took place  
8 between the Halifax pilots and Imperial Oil on this  
9 subject. Would you have any knowledge of that?

10 A. Yes, we have knowledge of it, and I  
11 think I can dispose of it very quickly and say that  
12 the Department cannot encourage back seat driving in  
13 this. The pilot is the man who has to do the job,  
14 and even if the master interferes -- I think the master  
15 has the right to interfere, but it does mean that  
16 unless he takes over complete responsibility for the  
17 docking then it is not fair on the pilot. The pilot  
18 has his plans made and he knows exactly what he is  
19 doing and if the master interferes when the master  
20 doesn't know what the pilot has in mind then usually  
21 the manoeuvre fails; and this is when sometimes there  
22 is a dent made in the ship.

23 THE CHAIRMAN: Yes.

24 MR. LANGLOIS: Is it not a fact that, in  
25 establishing, in the case of an inquiry, this type  
26 of interference by the master, the pilot is put to a  
27 disadvantage because he would be the only one, as a  
28 rule, to testify in practice as to the interference  
29 by the master, while the master will take a contrary  
30 position and will be supported by his officers and





1 crew members? Have you had instances of that?

2 THE WITNESS: I think we can easily establish  
3 whether it is so or not. I can assure you that we  
4 do lean over backwards in favour of the pilot in  
5 this respect, because if we believe that the master  
6 interfered we don't feel we can blame the pilot for  
7 what happens.

8 MR. LANGLOIS: And not unnaturally the crew  
9 members would be inclined to support the master instead  
10 of supporting the pilot in establishing the facts?

11 MR. JACQUES: You are implying prejudice and  
12 the support of perjury on the part of crew members while  
13 sworn in during these investigations.

14 MR. LANGLOIS: But crew members would be  
15 reluctant to testify against their master in cases  
16 like that.

17 MR. JACQUES: They are also reluctant to  
18 testify against themselves.

19 MR. LANGLOIS: They won't volunteer  
20 information. I won't say they are committing perjury,  
21 but they won't volunteer information, and in that  
22 respect the pilot is put in a disadvantageous position.

23 THE WITNESS: I think, my lord, probably  
24 that pilots who have been involved in this kind of  
25 thing would agree that we have usually believed them.  
26 I can speak with feeling from experience of this  
27 in my own short period as a pilot. The only time when  
28 I did make a dent in a ship was when the master had  
29 interfered. I can appreciate the position of the  
30 pilot who is in the same position.





1 THE CHAIRMAN: We had a good example of that  
2 in the course of the hearing at New Brunswick, where  
3 a master interfered and the pilot said "That's all  
4 right," and went out of the bridge, or the wheelhouse,  
5 and the ship went through the dock and twenty feet,  
6 mind you!

7 THE WITNESS: We still, of course, must't  
8 disregard the master's right to do this; but the thing  
9 is that I personally am not disposed to blame the  
10 pilot when his manoeuvring is interfered with in this  
11 way.

12 MR. JACQUES: I have no further questions  
13 with respect to Halifax.

14 THE CHAIRMAN: Do you have anything else you  
15 wish to add, Captain Slocombe?

16 MR. JACQUES: We will have to be back on  
17 Monday with respect to Halifax.

18 THE CHAIRMAN: Since we sat in Halifax has  
19 there been any change in the strength of pilots? We  
20 are going to ask that from the pilots.

21 THE WITNESS: Yes.

22 THE CHAIRMAN: And have there been any  
23 amendments in the by-laws?

24 THE WITNESS: Not so far as we can think of  
25 at the moment.

26 MR. JACQUES: Now, Captain Jones, please.

27  
28 CAPTAIN JONES, recalled

29 DIRECT EXAMINATION BY MR. JACQUES:

30 Q. Captain Jones, I believe there are two









1 questions which were referred to you -- question 11  
2 and question 21. Question 11 reads as follows:

3 "Why did pilots contribute  
4 to the pension fund but yet derive  
5 no benefits?"

6 The second question is:

7 "A brief history of the pension  
8 fund and the reasons for decisions  
9 taken from time to time with reference  
10 to same, with reference particularly  
11 to a letter from the Minister to  
12 Captain Gendron of December 1949."

13 A. Well, my lord, the history of this  
14 pension plan is a rather doleful history and goes back  
15 in this unsatisfactory state for over twenty years.

16 This reference on the file here in 1945,  
17 referring to the deficit -- the actuarial deficit --  
18 in the fund -- I don't know whether it is desirable  
19 to quote in extenso, but certain it is that the  
20 state of the fund at that time was causing the  
21 actuaries and also the Department considerable concern.

22 Q. How long had the Department been  
23 administering the pension fund?

24 A. Well, without going through the file  
25 I can't tell the exact date, but certainly considerably  
26 many years before 1944 and 1945 which is the reference  
27 I was making then. In 1945, it was in bad shape at  
28 that time.

29 Perhaps I should explain what I mean by  
30 "bad shape" -- and this was the situation actuarially





1 in all these funds, not merely in Halifax -- by  
2 reviewing and calculating the amount of money necessary  
3 to be in the fund to meet the liabilities represented  
4 by the pensions that were earned and accrued to the  
5 active pilots and also the pensioners at the particular  
6 time.

7 The tables used for this are the mortality  
8 tables, and, of course, if the experience of the  
9 pensioner -- if they are longer-lived than the  
10 mortality provision on the table -- then, of course,  
11 the deficit is somewhat greater. The withdrawals  
12 on the fund are greater if the pensioner is dying  
13 rather earlier. This is fortunate for the fund, but  
14 unfortunate for the pensioner. It is on this basis  
15 that the liabilities are computed. They are, in other  
16 words, computed without any relation to the contributions.

17 The calculation is made of how much money  
18 is necessary to be in the fund to have the fund  
19 solvent, and, at the same time, the assets are  
20 reviewed and valued reasonably considerably and the two  
21 are compared, and the difference is on the side of  
22 the liabilities then there is a deficit in the fund;  
23 and this is the case in Halifax.

24 There is a letter on file in 1952, reiterating  
25 the concern of the Department about this and pointing  
26 out how that even if the fund was closed off at that  
27 time and the active pensioners were looked after in  
28 full -- 100 cents to the dollar -- if their  
29 pension were continued at the tabular rate, then the  
30 fund would be short of \$72,000.00. In other words,





1 the pilots in 1952 had no equity in the fund at all.  
2 In fact, they would have had to contribute another  
3 \$72,000.00 to make the fund viable for the pensioners  
4 at that time.

5 Well, subsequent to 1952 the fund improved  
6 -- the state of the fund improved somewhat -- although  
7 shortly after that the Halifax pilots asked for an  
8 increase over the pension provided of \$40.00 per  
9 year, and the actuaries and the Department demurred  
10 and pointed out that this was not possible unless there  
11 was a commensurate increase in the payments which at  
12 that time were 7 per cent. So the matter of the  
13 increased benefit was shelved and not acceded to.

14 This state of affairs went on, and a little  
15 later there was an ex gratia payment of some \$56,000.00  
16 provided by the government following the loss of the  
17 Abdoran and the death through drowning of a number  
18 of pilots on board at that time. This was put into  
19 the fund ---

20 Q. Put into the pension fund?

21 A. Put into the pension fund and, as such,  
22 helped to make up the deficit by \$56,000.00 -- the  
23 deficit which would otherwise have existed.

24 Q. How was the figure of \$56,000.00 arrived  
25 at?

26 A. I am not able to say, my lord, how this  
27 was arrived at, but it was an ex gratia payment at  
28 that time.

29 It was felt, and the record in the file  
30 shows this, that it was the opinion of the government









1 that the accident hadn't occurred as the result of a  
2 war-like act, although it was in war time; but it  
3 was ultimately decided to make this payment, because  
4 it was realized at the time that the fund was in  
5 very bad shape, in any event and that this imposed a  
6 further load.

7 MR. LANGLOIS: I am instructed that this  
8 \$56,000.00 represented the price at which the  
9 CAMPERDOWN had been sold.

10 MR. JACQUES, Q: Why was the fund allowed  
11 by the government to become decrepit?

12 A. Well, my lord, may I say here that the  
13 history here -- and this is a particularly bad case  
14 as a general matter and it is up to the pilots -- .  
15 All our districts from time to time feel with the  
16 growing cost of living that the benefits provided are  
17 not adequate to look after people upon retirement  
18 and in that of course this is a perfectly understandable  
19 view.

20 Very often they have come in and requested  
21 the government, the Minister of Transport as pilotage  
22 authority to provide them with a better scale of  
23 benefits and in a number of instances this was done  
24 and made retroactive. Well, as soon as you do this  
25 and make no arrangement to collect additional money,  
26 you are by that very act creating an additional  
27 deficit.

28 Q. Why was that allowed? The Department  
29 or the government knew very well that if it paid  
30 accrued benefits without an approved contribution it





1 would run into the red some time.

2 A. May I say, my lord, not in defence of  
3 it, what happened is that the pilots are all looking  
4 at this purely on a current basis. They say they are  
5 paying so much into their pension fund and they  
6 observe the outgo to the pensioners is a somewhat  
7 lesser figure so they say the fund is in fine shape.  
8 This is rather simple but unfortunately inadequate  
9 mathematics.

10 In the main, there is no thought of the  
11 necessary reserves to provide for future payments and  
12 looking at it in this simple way it seems to be just-  
13 ification for giving these figures but the actuaries  
14 do not handle it in this way at all. As I have  
15 said earlier, they compute the amount, the present  
16 amount of money necessary to be available at an  
17 ordinary investment rate of such and such a percent,  
18 be it  $3\frac{1}{2}$  per cent as it is now, used in conjunction  
19 with mortality tables to determine at what age people  
20 are likely to die and they use these two figures and  
21 they find the amount of money necessary in the fund  
22 to look after the future payments. This is the  
23 criteria.

24 Q. I realize that but why did the Department  
25 accept the pilots' request or grant the pilots' request  
26 for accrued benefits apparently knowing full well that  
27 the pension fund would show a deficit.

28 A. With respect to ---

29 CAPTAIN SLOCOMBE: May I answer this, my  
30 lord. I was there before Captain Jones. I can tell







1 you that there was no thought of actuarial studies  
2 being made of these things at that time and I  
3 understand that this was the case with many other  
4 similar pension funds with which the government was  
5 mixed up.

6 THE CHAIRMAN: That is why the Audette  
7 Commission found that the government had a moral  
8 obligation towards the deficit.

9 MR. SLOCOMBE: That is correct, my lord.

10 THE WITNESS: I was going to make much the  
11 same remark in a different term. I was going to  
12 take exception to your expression "knowing full well"  
13 because they didn't realize full well. There were  
14 going on the very simple but erroneous assumption  
15 that if the current income was greater than the current  
16 outgo all was well. This was not true.

17 This is the view that is being expressed  
18 still today by sometimes pilots and we hasten to  
19 correct them when they expressed it in our hearing.

20 In any event, this particular case of  
21 Halifax was only an extremely bad case of malaise  
22 that other districts themselves suffered. As your  
23 lordship said the Audette report looking into this  
24 saw that at that time the deficits amounted to an  
25 aggregate over a number of districts to something  
26 like \$1½ million but in any event since that time  
27 because of increased rates of contributions and  
28 because of higher earning rates on our investments  
29 today, the funds of all the districts have improved and  
30 we are now, with the exception of Montreal and Quebec,







1 of which we do not have custody of funds and do not handle  
2 in the same way, they are in a satisfactory position  
3 except, of course, Halifax. And this one is also much  
4 better than it was formerly.

5 MR. JACQUES, Q: Is it improving?

6 A. Yes, it is.

7 MR. LANGLOIS: But there is no strain on it.

8 COMMISSIONER SMITH: In connection with what  
9 was said in evidence, Captain Crook in Halifax said  
10 that if he were to retire now he would not be entitled  
11 either to a pension or to a refund of contributions  
12 made by him to the pension fund now.

13 THE WITNESS: That is correct, Mr. Smith.  
14 Captain Crook is one of the members -- in the  
15 history of this, the fund was frozen and no future  
16 benefits accrued, no further benefits accrued after  
17 March 31st, 1956. At that time there were a number  
18 of pilots, four altogether, of which Captain Crook was  
19 the chief recipient, I think of the benefit, and  
20 the amount of moneys at that time paid because they  
21 had been in service so short a time that they were not  
22 entitled -- even the frozen benefit did not include  
23 any provisions for them and Captain Crook, if I remember  
24 rightly, received a cheque, less income tax of something  
25 like \$2,900.00. Perhaps Captain Crook is here and  
26 he can correct me if I am wrong. I don't think I am.

27 MR. JACQUES, Q: Is a contributor now?

28 A. Yes, sir -- not he personally but the fund  
29 is levied a charge of 5 per cent of the gross revenue  
30 of the district which is taken out and is put into the





1 pension fund and by this means rising assets will  
2 ultimately overtake the liabilities of the fund.

3 Q. If he wishes to retire now, that doesn't  
4 mean he will never get a pension?

5 A. Well, it means he will never get a  
6 pension, no, not under that particular pension scheme  
7 we speak of, the Halifax Pension Scheme.

8 Q. If the assets were to catch up with the  
9 liabilities say within the next year, he would come  
10 under the pension scheme then.

11 A. No, he will not. The benefits under  
12 the fund were frozen and Captain Crook was one of the  
13 four people whose benefits in fact came to zero and  
14 for that reason the collection -- I might say this  
15 5 per cent collection is a means by which we will put  
16 the fund in a satisfactory and solvent position.

17 Q. So there is no hope of any of the  
18 pilots who joined the year after the fund was frozen of  
19 ever getting a pension?

20 A. That is correct. Even so there is no ---

21 Q. Unless they purchase it themselves?

22 A. Exactly and this is clearly explained to  
23 them in our letter, in one of our letters. I recall  
24 writing myself and in a good many occasions it was  
25 explained to them that the fund was frozen -- when I say  
26 the fund was frozen, I refer to the accruing benefits  
27 under the fund were frozen at the \$40.00 a year for  
28 service prior to March 31st, 1956 and that the people  
29 that joined within a period of a five year period of  
30 1956, and this was the case with the four of the pilots,







1 Captain Crook was one of the four, they had no benefits  
2 under the old regime. In any event the scheme did  
3 not permit other than the return of payments so this  
4 return was made to them.

5 Q. And those that joined after 1956 ---

6 A. There haven't been any. If there were  
7 any additional --- there was one man. He would receive  
8 no benefits. This 5 per cent is levied to put the  
9 fund in a solvent condition, the fund referred to being  
10 in the state of affairs prior to 1956.

11 Q. When the fund becomes solvent ---

12 A. Well then, we will cease collecting the  
13 5 per cent. There will be no pension fund in existence  
14 for the Halifax Pilotage District.

15 THE CHAIRMAN: There will be no assessment?

16 THE WITNESS: No assessment.

17 THE CHAIRMAN: The pension fund will continue  
18 to operate until all the beneficiaries are dead.

19 THE WITNESS: Yes.

20 CAPTAIN SLOCOMBE: May I interject, my lord.  
21 This is a dangerous phrase to use "his contributions".  
22 That contribution is not the individual pilots'  
23 contribution. This is a contribution of 5 per cent  
24 of the pilotage fund/the gross earnings of the district.

25 THE CHAIRMAN: This is the same reasoning.

26 CAPTAIN SLOCOMBE: This is the same reasoning.

27 THE CHAIRMAN: I will add to this something  
28 further. In the St. Lawrence River they are not paid  
29 by the time worked but they are paid by the job and  
30 in those cases dues are given to the fund and are not







1 on account of the jobs done for ships who have to pay  
2 the dues but have not taken a pilot. These dues are  
3 put into the pension fund and not the fund for  
4 distribution.

5 MR. LANGLOIS: Yes, my lord but if this 5  
6 per cent were not collected, the pilots would get  
7 5 per cent more than they are getting now.

8 CAPTAIN SLOCOMBE: Unless the tariff was  
9 reduced. The tariff is fixed to provide for this.

10 THE CHAIRMAN: This is only argument. I gave  
11 you an example where there is money that does not go  
12 to the pilots at all. It goes to the pension fund.  
13 It is not a contribution by the pilots.

14 MR. LANGLOIS: If the 5 per cent were not  
15 taken they would get more money.

16 THE CHAIRMAN: Not that money. These were  
17 not jobs. These were cases where the pilotage dues  
18 were paid but no services rendered.

19 THE WITNESS: Well, my lord, may I mention  
20 these state of affairs necessitated virtually closing  
21 the fund in one respect as of 1956. It is true we  
22 are now recouping, collecting more money in order to  
23 put it solvent and in order to continue the pension at  
24 the full scale of 100 cents per dollar, 40 year service  
25 and of course, half that sum for widows of pensioners.

26 When this matter of Civil Service employment  
27 was discussed this state of the pension fund was given  
28 very serious consideration for it was realized that some  
29 adjustment would have to be made. The Department --  
30 the government would take over the assets of this fund





1 which stood something in the order of \$200,000.00 and  
2 some arrangement would have to be made to incorporate  
3 the benefits under the new government scheme for the  
4 Halifax pilots and what was done in broad terms was  
5 that a calculation was made to determine what  
6 contributions were made on behalf of each pilot; the  
7 collections that were collected, and it was determined  
8 how much might be said to have been paid by each  
9 pilot into this fund. That money was used to compute  
10 the benefits that would be earned in the Civil Service  
11 Pension Scheme, being 13 per cent, this was both the  
12 government share and the employees share, and these  
13 sums provided much larger benefits than the Halifax  
14 pilots would have enjoyed under their old scheme. The  
15 comparisons ---

16 MR. LANGLOIS: We were told this morning  
17 that no actuarial valuation of that scheme had been  
18 made. Now we are talking about the new scheme.

19 THE WITNESS: If I may so say, Mr. Langlois,  
20 we are at slightly cross purposes there. You spoke of  
21 the actuarial computation of the wages, as I understood  
22 it. This is not wages. It is merely the pension fund,  
23 the disposition of the pension fund, the earnings of  
24 the district and so on. In your discussion you used  
25 the word "actuarial computation". This is not an  
26 actuarial computation but it is merely a statistical  
27 computation.

28 MR. LANGLOIS: I used the expression  
29 "valuation".

30 THE CHAIRMAN: In the previous case it was by







1 the Department of Labour.

2 THE WITNESS: Yes.

3 THE CHAIRMAN: While in this case it is by  
4 the insurance.

5 THE WITNESS: Yes, sir. Certainly we made  
6 a computation of this and we furnished the pilots with  
7 the comparative figures of the benefits they would have  
8 enjoyed under the old system of benefits and under  
9 the government service and of course, there was a great  
10 disparity between the two but not the same disparity  
11 in each age group.

12 The older pilots, as I remember, did get  
13 much better increase benefits than the younger pilots  
14 but in all cases there was a very large difference,  
15 sometimes as much as twice or three times or two and  
16 a half times the benefit.

17 MR. LANGLOIS: You have just given a good  
18 explanation of why the new offer is supported by the  
19 older pilots.

20 THE CHAIRMAN: That is right.

21 MR. JACQUES, Q: It came out in evidence in  
22 Halifax. What is the letter from the Minister to  
23 Captain Gendron in December of 1949?

24 A. I was unable to find this on the file  
25 and therefore I am not able to pass any comment about  
26 it, but the facts at the time were quite clearly  
27 established that this fund was in terrible financial  
28 shape and it was the cause of concern of all that knew  
29 about it.

30 CAPTAIN SLOCOMBE: If I may, my lord, I should







1 like to clarify that this is not the Captain Gendron  
2 who was before the hearing. This is a Captain Leon  
3 Gendron who was at the time very active in the Merchant  
4 Service Guild and I feel that this must be the letter  
5 which is being referred to.

6 THE CHAIRMAN: Thank you for this clarification.

7 CAPTAIN SLOCOMBE: Yes.

8 MR. LANGLOIS: But Captain Leon Gendron was  
9 then Chairman of the National Pilots Committee?

10 MR. SLOCOMBE: That is correct, Mr. Langlois.

11 THE WITNESS: May I, my lord, quote a letter  
12 here which was written by the Chief Actuary of the  
13 Department of Insurance to the Chief of Personnel  
14 Service Division, Department of Transport, reviewing  
15 the actuarial situation of this fund at March 31st,  
16 1961.

17 The liabilities at that time to pensioners  
18 amounted to \$151,600.00 and the liabilities to active  
19 pilots was \$80,100.00 making a total liability of  
20 \$231,700.00. Against that there was a valuation of  
21 the assets available at \$166,900.00. In other words,  
22 leaving a deficit of \$64,800.00.

23 This was the state of affairs of the fund  
24 as at March 31st, 1961 and will only be improved or  
25 ameliorated by the payment of this 5 per cent which  
26 is continued.

27 There was a computation to determine how in  
28 a number of specific instances the pilots would fare  
29 under the new scheme. Here is one case here considering  
30 a pilot who was licenced in 1929 and had 32 years of





1 service. His accrued pension under the Halifax  
2 Pension Plan is \$1,080.00 per year. He will receive  
3 under the government Civil Service scheme \$2,100.00  
4 per year or in other words twice the benefit. A pilot  
5 who was licenced in 1949 and has twelve years service,  
6 his accrued pension was \$280.00 under the Halifax  
7 Pilots Pension Scheme. He will receive \$1,180.00  
8 or  
9 or four times as much/three and a half times as much  
10 and this was the case in all of them. The percentage  
11 difference was not the same, of course.

12 MR. JACQUES, Q: There was one case of  
13 a pilot, I think, when the valuation was made who had  
14 only one year to go before reaching the age of seventy.

15 A. Yes.

16 Q. How much would he have got?

17 A. If I can find it here -- one moment  
18 please. Would I be permitted to look this up later  
19 because there is a great deal of voluminous files  
20 here. It would perhaps waste your time by me checking  
21 them through.

22 Q. Yes.

23 A. These were calculated in each instance.  
24 I have seen the comparative benefits in each case  
25 for each pilot.

26 --

27 --

28 --





1 THE CHAIRMAN: Are there any further questions  
2 to Captain Jones?

3 MR. LANGLOIS: Just one question. I have  
4 here a letter which was addressed to Captain Crook  
5 by the District Supervisor of Pilots, dated April  
6 2nd, 1963, which reads as follows:

7 "Dear Captain Crook:

8 The authority has been given  
9 by our headquarters that the single  
10 payment of \$5,947.00 will be made  
11 Pilot R.M. Betts who will retire  
12 from this district on June 18th,  
13 1963 and requested such action.  
14 It would be necessary for bonds  
15 of the amount of \$6,000.00 to be  
16 sold in order to meet this payment.

17 Would you please advise the  
18 active pilots there in the district  
19 of this transaction.

20 Thank you for your cooperation.

21 I remain."

22 Was this the normal procedure to deal with these  
23 accrued pensions? Do you advise the pilots after the  
24 action is taken?

25 THE WITNESS: The pilots committee in general?

26 MR. LANGLOIS: Yes?

27 THE WITNESS: We do customarily inform them  
28 of payments being made out of the fund. I don't know  
29 the circumstances in this case. I might look this up.

30 MR. JACQUES: File No. 8562-14.







1 THE CHAIRMAN: Would you show the letter to  
2 the witness.

3 MR. LANGLOIS: That is the Halifax file.

4 THE WITNESS: Well, this is a computation made,  
5 of course, my lord, by the actuaries to determine this  
6 particular pilots' interest in the fund, based on the  
7 payments that have been made into the fund on his  
8 behalf; and the actuaries inform us of this amount and,  
9 as Captain Slocombe remarked, the by-laws provide for  
10 computations of this sort to be made; and in due course  
11 the pilot was informed and the point, I think you are  
12 making is that the remainder of the pilots should be  
13 told at the time. We would do that customarily. We  
14 don't consider this matter secret. But why it wasn't  
15 in this case until after the event, I am not sure.

16 MR. JACQUES: There is section 28 of the by-  
17 laws which gives a pilot in certain circumstances the  
18 right to elect to receive a single payment out of  
19 the pension fund in lieu of the annual pension benefit  
20 otherwise payable.

21 THE CHAIRMAN: So therefore there has to be  
22 some moneys available in it.

23 THE WITNESS: Yes, your lordship. This is  
24 the calculation of their future benefits subject to  
25 the mortality rate, and the pilot elects to take this  
26 money in a single payment rather than in the form of  
27 an annuity; and mathematically they are both identical  
28 -- they are equal.

29 We occasionally don't encourage pilots to take  
30 single-payment settlements in lieu of period pensions





1 as we feel this isn't the purpose of a pension plan.  
2 It could well be that he later loses this as the result  
3 of imprudence, or whatever, and then is destitute;  
4 so we don't encourage such a request; but when it is  
5 made we find it difficult to persuade them. I am  
6 merely pointing out the unwisdom of taking this  
7 settlement.

8 MR. LANGLOIS: I was not questioning the  
9 authority.

10 THE WITNESS: I gather you weren't, Mr.  
11 Langlois. But I just added this point because it has  
12 come up that pilots have elected to have a single  
13 payment and we always try to dissuade them from that.  
14 It is not the purpose of a pension plan.

15 THE CHAIRMAN: Thank you, Captain Jones.

16 Now we have Captain Crook.

17 CAPTAIN W.H. CROOK, sworn  
18

19 MR. LANGLOIS: May I say, before Captain Crook  
20 is examined, that in Halifax there was a request made  
21 by one of the Commissioners -- I don't know if it was  
22 you, your lordship, or any of the other two -- of  
23 Captain Crook to make a suggestion of a system under  
24 the existing pilotage tariff which would be accurate for  
25 the services performed. Captain Crook has prepared  
26 a study of that problem, and we could file it.

27 THE WITNESS: How many do you need?

28 MR. LANGLOIS: Well, three copies. The  
29 Commission may want further explanation of it.

30 THE CHAIRMAN: I think Mr. Smith has questions





1 on this.

2  
3 ---EXHIBIT NO. 1178. Suggested system of assessing  
4 pilotage tariff.

5 THE CHAIRMAN: While you are looking at this  
6 I am going to ask a question or two.

7 Captain Crook, has there been any change  
8 in the pilots since we sat in Halifax?

9 THE WITNESS: No, not that I can recall; if  
10 there were they were of a very minor nature.

11 THE CHAIRMAN: Any change in the strength  
12 of the pilots?

13 THE WITNESS: Yes; Pilot Betts last June  
14 retired.

15 THE CHAIRMAN: There is one less than when  
16 we were there?

17 THE WITNESS: Yes.

18 THE CHAIRMAN: How many are you now?

19 THE WITNESS: Seventeen. Just within weeks  
20 after you left he became seventy.

21 THE CHAIRMAN: And he was not replaced?

22 THE WITNESS: That is right.

23 DIRECT-EXAMINATION BY MR. JACQUES:

24 Q. Was there any request to replace him?  
25 Have you made any request to replace him?

26 A. I am not certain. I don't recall any  
27 specific request. I know I had a request after the  
28 pilot who retired previous to Pilot Betts, but I am  
29 not sure that we requested a replacement for Pilot  
30 Betts.

THE CHAIRMAN: And the date of the retirement







1 was when?

2 A. I believe it was some time in June.

3 THE CHAIRMAN: June last year?

4 MR. JACQUES: The 18th of June, 1963.

5 THE CHAIRMAN: Thank you.

6 COMMISSIONER SMITH: Captain Crook, I asked  
7 you a question about the difference formerly from the  
8 present one in connection with the assessment of  
9 pilotage impost, and I also asked the supervisor there,  
10 and this is his answer taken from the record:

11 "Pilotage is becoming more unfair  
12 each year with the trend of the  
13 ship owners to dodging some  
14 tariff by either shelter decks,  
15 or special tanks, or deep tanks."

16 This is on page 3344 of the transcript. Now, I haven't  
17 had time to study this submission -- this statement  
18 of yours -- this proposal of yours -- but I think it  
19 would be better if I asked you this question and then  
20 you could develop the proposal, with whatever comments  
21 you wish to make. Then I go on to say: At several  
22 of our hearings witnesses have stressed the idea of  
23 the trend to larger ships and that the present method  
24 of calculation by trip or mileage, or a combination of  
25 them, is unrealistic and often unfair, and that a  
26 uniform method, more in keeping with the actual size  
27 of the ship and the responsibility to be given to the  
28 pilot, should be established; and in this respect  
29 he also suggested that each ship should have a fixed  
30 unit derived from her registered length, breadth and





1 depth; that such unit could then be applied -- the  
2 unit in dollars and cents that may be established --  
3 for each pilotage district, and by which pilotage  
4 dues could be accurately assessed; that all vessels  
5 under a certain size be charged a fixed pilotage fee.

6 Now, would you elaborate on that and also  
7 on your own suggestion?

8 THE WITNESS: Well, prior to that time I had  
9 worked on various tonnages. I would find the gross  
10 tonnage fluctuated just as badly, in relation to the  
11 ship's size, as the net tonnage.

12 I know of an instance a few years ago where  
13 I checked a tanker's tonnage and she had, I believe,  
14 four different registry certificates. If I recall  
15 correctly, they were Panama Canal, Suez Canal,  
16 Liberian and international. We were given the  
17 international tonnage which was the least of them  
18 all, both gross and net.

19 So finally I find that in evolving the plan  
20 I have now, I took a ship which I have always  
21 considered to be a good example. The model I took  
22 was the MANCHESTER PROGRESS. This is a vessel of  
23 much the same type as the former Park boats, the  
24 wartime built ships -- the larger ones -- and she  
25 seems to have a fairly good net tonnage for her size,  
26 and comparable with these Canadian built Park ships.

27 I multiplied her length by her breadth  
28 and divided by fifty to arrive at the units for that  
29 particular ship; and then I divided this figure into  
30 her present pilotage charge in Halifax. The charge





1 is made on her net tonnage in the Halifax district;  
2 so I divided the new number of units into the present  
3 pilotage charge and I find it is  $13\frac{1}{2}$  cents, the  
4 nearest I can come to.

5 Then I calculated, on the same basis, the  
6 pilotage rates for many ships of different classes,  
7 and I found that this system seems to work right down  
8 through all categories of ships -- bulk carriers,  
9 general cargo freights, passenger vessels and tankers,  
10 large and small; with the exception, of course, of the  
11 smaller -- really smaller ships, and then it would be  
12 necessary to have a minimum charge the same as we  
13 have now.

14  
15  
16 --

17  
18  
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21 --

22  
23  
24  
25  
26  
27 --







1 Q. Excuse me, did I understand correctly you  
2 said that you worked out this unit for a series of ships  
3 multiplied by  $13\frac{1}{2}$  cents and got the pilotage rates?

4 A. No, just the reverse. I found out how  
5 many units that her dimension -- The MANCHESTER PROGRESS  
6 dimensions arrived at and divided per number of units  
7 into her present pilotage charge in Halifax.

8 Q. It always came out approximately  $13\frac{1}{2}$   
9 cents?

10 A.  $13\frac{1}{2}$  cents and then I applied the same  
11 principle to these other ships; and for instance, I found  
12 the LA MAREA -- she is mentioned here on my list at the  
13 bottom. She is 494 feet long by 63 feet beam. Her  
14 present tonnage, her net tonnage, is 6,287. Her  
15 pilotage charge in Halifax is \$83.45. She is a  
16 considerably larger ship than the MANCHESTER PROGRESS.

17 However, when you find her new pilotage tariff  
18 under this  $13\frac{1}{2}$  cents, we come up with \$83.97, which is  
19 52 cents more than she is paying right now.

20 This is what I find, that these ships have  
21 apparently a good net tonnage in comparison to the  
22 physical dimensions. It may be a little less. It  
23 may be a little low but she comes out within 50 cents  
24 of her present charges on the  $13\frac{1}{2}$  cent rate.

25 I have the SYLVANIA here. Her present  
26 pilotage charge is \$81.85. Under this new system it  
27 will be \$79.13. Now, we have a variation downwards  
28 of a little over \$2.50, so these ships all fluctuate  
29 around. Ships that we feel have good net tonnage  
30





1 will all fluctuate slightly around this figure but  
2 we come into ships like the MARIT MAERSK and she is  
3 slightly larger than LA MAREA and yet her tonnage is  
4 3,547 compared to 6,287, so there is a vast discrepancy  
5 in her net tonnage, although she is three feet longer  
6 and one foot more in beam.

7 THE CHAIRMAN: So you did not take into  
8 consideration at all the draft?

9 THE WITNESS: No, I didn't do that in the  
10 case of Halifax, because I understand now in ports where  
11 draft is used it is a supplemental charge, I believe,  
12 and this would be very easily applied in the same manner  
13 if it were instituted in the ports that were still  
14 carrying on the supplemental charge for draft, probably.

15 CAPT. SLOCOMBE: Saint. John is wholly draft, My Lord.

16 THE CHAIRMAN: Yes. I figured out the  
17 tonnage and a light ship would be less managageable  
18 than a deep draft ship.

19 CAPTAIN SLOCOMBE: Exactly. We did suggest  
20 to the Saint John pilots at one time they may like to  
21 change but they were not in favour of the idea.

22 THE CHAIRMAN: You did not take into con-  
23 sideration the mileage either?

24 THE WITNESS: No. I realize that this  
25 would be a factor that would influence another port but  
26 I think they still can be supplemental to this where net  
27 tonnage is used, as I feel this is a much better system  
28 than net tonnage.

29 THE CHAIRMAN: I think it is probably only  
30







1 British Columbia where mileage would have to be con-  
2 sidered and the St. Lawrence maybe down to Quebec for  
3 both going to Baggotsville which might stop for as much  
4 as one third or one half of the trip.

5 MR. LANGLOIS: My Lord, the time factor  
6 may be a better measurement than mileage, the time  
7 consumed per ship.

8 CAPTAIN SLOCOMBE: The mileage all depends  
9 on the speed of the ship, My Lord. If you have a fast  
10 ship or a slow ship I am afraid, My Lord, this would  
11 put a premium that the longer a trip takes the more it  
12 pays.

13 MR. LANGLOIS: That should be the basis.  
14 That is the normal basis. It is the time consumed  
15 per ship.

16 THE CHAIRMAN: This will be a matter for  
17 argument later on because we are all quite concerned  
18 with this problem.

19 CAPTAIN SLOCOMBE: We would be very pleased,  
20 My Lord, to take the suggestion of Captain Crook and  
21 take the period and see just what the overall effect  
22 would be.

23 CAPTAIN CROOK: I just completed this  
24 about an hour and a half before getting on the plane,  
25 so I need not discuss this -- Captain Latter doesnot  
26 know anything about this. You are the first people  
27 I have discussed this with.

28 THE CHAIRMAN: Any further questions on  
29 this subject? Any further questions of Captain Crook?

30 MR. JACQUES: Q. Any major accidents in







1 Halifax since we have been there?

2 A. We had no accidents whatsoever in 1963.  
3 We had a bad Easter weekend but they were all minor.

4 Q. And disciplinarian action taken against  
5 any pilot since we were there?

6 A. I can't recall it.

7 MR. LANGLOIS: Captain Crook, about this  
8 question No. 10, do you have any comments to offer in  
9 regard to the evidence given by Captain Slocombe on  
10 this offer of the prevailing rate offer?

11 THE WITNESS: Well, My Lord, in this  
12 respect I can only speak for myself, of course, but I  
13 would be extremely hesitant in entertaining anything  
14 like prevailing rate employment. I know its history  
15 and the various departments in Halifax that now do have  
16 the prevailing rate employees. I can see many  
17 problems. Also I find in my correspondence that now  
18 my problems are either resolved or eliminated by one  
19 department but I find if I am a prevailing rate employee,  
20 I have asked this question and my one question might  
21 be referred to Finance, another question to Treasury,  
22 one to Personnel. I think probably three different  
23 government departments may be involved. It gets, I  
24 feel, a little involved.

25 I do not see any reason at all why Halifax  
26 pilots or pilots in general could not be offered some-  
27 thing like a Civil Service appointment and special  
28 categories. Many many departments have special  
29 categories, technical assistants and professional people.  
30





1 I think the Department of -- I can't think  
2 of the correct name -- the income tax people have  
3 established that we are professional people, privately  
4 engaged in our work.

5 THE CHAIRMAN: Do I understand that the  
6 main objection is that of insecurity of employment?

7 THE WITNESS: I think that is the main  
8 objection. My own main objection is I wasn't quite  
9 satisfied with the scale and of course, the main  
10 objection is, as you say, the terms of employment.  
11 The only reason I have to say so that it could not be  
12 otherwise is that Captain Seeley's testimony in Halifax  
13 did not convince me.

14 MR. LANGLOIS: Now, about pensions, have  
15 not the pilots of Halifax suggested a return of the  
16 entire contribution towards the pension fund and what  
17 happened?

18 THE WITNESS: I have notes here from  
19 documents from June the 1st 1920 to March 31st 1945,  
20 contributions were 5% of the gross. From that last  
21 date until April 30th 1953, eight years, approximately,  
22 the contributions were 7%. From then until the 31st of  
23 March 1956 they were 10% and from then until June 30th  
24 1957 they were 15%.

25 Then they reverted to the 5% which has not  
26 been changed until the present date.

27 In the latter part of the last alterations,  
28 there was a good deal of correspondence between our-  
29 selves and the Department and we were making every  
30 endeavour to do something about this money, to find some





1 way we could get a pension with the result that they  
2 agreed to take a set 15% for that year from March 31st  
3 1956 until June 30th 1957.

4 We wanted this money to be held. We were  
5 hoping we would get it put into an annuity, government  
6 annuity and establish some sort of pension fund for each  
7 individual pilot and forget about the previous period.  
8 We were more or less resigned to that.

9 However, in June the Department stopped  
10 this and then returned in June 1957 the sum of \$26,243.81  
11 which represented the 10% increase. They retained the  
12 5% of the 15% and returned 10%. This was prorated and  
13 paid to the pilots in the group at the time but we had  
14 hoped that that 10% might put into government  
15 annuities. We had several plans and apparently the  
16 Department of Finance thought they could not do anything  
17 with it and they returned us the cash and we were charged  
18 income tax on it.

19 CAPTAIN SLOCOMBE: Captain Crook, was  
20 there not a matter in connection with having this tax  
21 free that caused it to be dropped? The Department tried  
22 to find if it would be possible to have these payments  
23 tax free and we failed in this and then the pilots were  
24 not happy about it so it was decided to return the money.

25 THE WITNESS: Well, that could be. I think  
26 that is quite right. That was one of the factors.  
27 It was just after this or just about this time that the  
28 income tax people rated us professionals, self-employed  
29 professionals and then we were able to contribute 10% of  
30









1 our income into a private pension scheme for tax purposes.

2 COMMISSIONER RENWICK: That was on account  
3 of later Federal legislation.

4 THE WITNESS: I believe this ante-dates the  
5 present Federal legislation.

6 THE CHAIRMAN: It is about 7 years now, I  
7 think.

8 THE WITNESS: As it happens, it was very  
9 close. I think the legislation came prior to this  
10 refund of 10% -- came after, excuse me.

11 MR. LANGLOIS: There was no revision of the  
12 situation when the legislation was introduced.

13 THE WITNESS: No.

14 MR. JACQUES: Q. Did you ask for a revision  
15 when the new legislation was adopted?

16 A. I don't believe so. I don't think  
17 anything like that would happen because, of course, this  
18 private scheme was better than the old scheme anyway.

19 CAPTAIN SLOCOMBE: We agree, My Lord.

20 MR. LANGLOIS: If we may pass on to question  
21 number fifteen, the workload?

22 THE WITNESS: But continuing on --

23 MR. LANGLOIS: Excuse me.

24 THE WITNESS: I was in the service from  
25 October 1956 and it was something around four years.  
26 Well, the bylaws at that time read I had to be in the  
27 service five years before I was considered an active  
28 member in the pension fund and my contributions were  
29 returned to me. I was charged income tax on them, which  
30 was a bad thing at the time. Now, I find in the





1 government's prevailing rate offer, I am still carried  
2 on the books as a contributor since 1956. If I were  
3 to join the government service I would be entitled  
4 to a pension of \$500 some odd -- I don't have the figures  
5 with me, for my service from 1956 until 1961 or  
6 something like that. I believe it works out to 13<sup>1</sup>/<sub>2</sub>%  
aw 7 13%, rather.

8 MR. LANGLOIS: When you say you were charged  
9 income tax on this free fund, was that in one single  
10 year?

11 THE WITNESS: I had very nearly to go to  
12 law to make sure it wasn't; not with the Department of  
13 Transport.

14 THE CHAIRMAN: It was a matter of amending  
15 the previous year's statement?

16 MR. LANGLOIS: Yes.

17 If you are still with the pension, what  
18 comment have you to offer on the evidence given in  
19 answer to question fifteen dealing with calculation of  
20 your workload?

21 THE WITNESS: Well, of course, this is  
22 another thing we were very upset about for a long while.  
23 Our workload was calculated on the basis of the time  
24 we were actually on a ship, and not on the ship  
25 necessarily, but on the ship under way. We thought this  
26 was very unjust, and we knew it would be used against us  
27 We thought it had gone. They said at the time --  
28 we were told at the time -- that they understood, that  
29 they realized how erroneous these figures were and it  
30 would be forgotten about. I was startled yesterday





1 when I found that they are still going to be used  
2 against us.

3 But we have a good deal of stand-by time.  
4 Some of it is calculated a different way than other of  
5 it. I think I explained that pretty well in my Halifax  
6 testimony; and there is quite a bit of time travelling,  
7 too.

8 MR. LANGLOIS: There was mention made this  
9 morning of the training in radar. What have you to say  
10 about that?

11 THE WITNESS: Well, we have all grown up  
12 with radar, and, of course, when a person is sailing as  
13 a ship's officer or master there certainly is one man  
14 aboard who is detailed for routine maintenance, but as  
15 a pilot travelling on a ship I would hesitate -- I have  
16 never changed even the range of the radar. It is their  
17 equipment. I would ask them to do it, but I wouldn't  
18 interfere with the operation of the set. However,  
19 I have used it visually.

20 But there is the point that Captain Slocombe  
21 brought out, which was a very relevant thought.  
22 Interpreting radar is not like watching T.V. With  
23 each different make of set you could have different  
24 characteristics. I know that a good many people who  
25 are working with high magnification say that they are  
26 confused with a signal in the distance. For instance,  
27 with one of these sets with high magnification you pick  
28 up a buoy in the distance and you get a tremendous signal,  
29 and as you approach the buoy it diminishes down to its  
30 proper force. Therefore, I think, as Captain Slocombe









1 said, that there should be a ship's officer in charge  
2 of the radar in bad weather. That is a very good  
3 thing; because the pilot is not accustomed to the  
4 peculiar characteristics of these different radar sets,  
5 and he could be confused. But I think the pilot should  
6 also check on occasion.

7 THE CHAIRMAN: To recognize its features?

8 THE WITNESS: Yes.

9 MR. LANGLOIS: Now, I go on to question  
10 seventeen regarding the apprenticeship system. Have  
11 you any comments to make in that connection?

12 THE WITNESS: Well, we have two pilots  
13 left in Halifax who went through the apprenticeship  
14 scheme.

15 That accident during the war killed off a  
16 good many of the former apprentices.

17 I can agree that, as Captain Slocombe said,  
18 there are problems today, but, however, I can see one  
19 system in Halifax where you could have people more or  
20 less growing up in the service, providing they don't  
21 lower the qualifications for incoming pilots. We  
22 have right now a man who is qualified -- he has passed  
23 the examination for pilots -- who is sailing as master of  
24 the pilot boat, and I believe he is the next appointee  
25 in line. Well, this man has been sailing now for  
26 about three years as master, from Halifax harbour and  
27 around. That would be one way of getting qualified  
28 people; but it might not always work out that they would  
29 want to work on the pilot boat; but if the man were  
30 qualified on the pilot boat then of course I imagine





1 they would naturally apply.

2 There is another man there -- he hasn't  
3 written the pilot examination, but I would imagine that  
4 in the event of an examination he will be the first one  
5 to apply. This might be one scheme where they can get  
6 men they know are reliable, or they wouldn't employ  
7 them for any length of time and keep them in the  
8 service. However, I would hope that they wouldn't  
9 lower the present qualifications.

10 MR. LANGLOIS: Now I pass on to question  
11 eighteen, the operation of the joint advisory committee.  
12 What have you got to say about that?

13 THE WITNESS: Well, I think there was  
14 a good deal more emphasis put on it than probably it  
15 warrants. It seems to work very smoothly in Halifax.  
16 It doesn't meet regularly, necessarily, because there  
17 is no point in having a meeting with Captain Latter when  
18 there is nothing to discuss.

19 It is purely voluntary, and in the winter  
20 time these people are busy.

21 I was on the committee two years and we  
22 resolved many things. Usually it is about harbour  
23 improvements and dock improvements and temporary  
24 obstructions and anything that can be done to make the  
25 port more operatable. We never had an instance of  
26 disciplinary action.

27 THE CHAIRMAN: It acts as a committee of  
28 experts on local matters?

29 THE WITNESS: Yes; usually this refers  
30 to our complaints going to the shipping people. We





1 had complaints about ships moving around without pilots  
2 and doing things that we felt they should have a pilot  
3 aboard; they were not accepting pilotage by any means;  
4 and we had a good deal of trouble with ship's tonnage.  
5 Of course, it is very easy, when meeting in harmonious  
6 committee, to discuss it with one of your members --  
7 "Well, there was a bit of difficulty with one of your  
8 ships" -- and these things are cleared up almost  
9 immediately, and it doesn't reach the formality of a letter.  
10 I think at Halifax it has been very very good -- it  
11 has worked out very good. We usually get prompt action  
12 on fenders and piers -- anything we have had discussed.

13 MR. LANGLOIS: What are your comments in  
14 connection with the alleged interference with the tour  
15 de roll in November 1962? That is question twenty  
16 five?

17 THE WITNESS: Well, this was resolved,  
18 but we felt it was such a startling thing that we did  
19 come to Ottawa, I believe, as Captain Slocombe said.  
20 We could see that the service would suffer considerably,  
21 and, of course, when our service in Halifax suffers we  
22 suffer, too; we lose income; and we are quite anxious  
23 to see -- we have an interest -- a professional interest  
24 -- in this business and we are quite anxious to see  
25 that we don't lose income.

26 We felt that if we were put on a scheme  
27 where some of us would be doing inside work and the  
28 rest outside work -- by that I mean outside work is  
29 ships arriving and inside would be ships moving and  
30









1 sailing; we had this system for many years and we found  
2 that there was very poor distribution of the workload.  
3 In many cases, for instance, Friday and Saturday and  
4 Sunday, it seems to work that you get a heavy influx  
5 of ships inward, and one crew would be working outside  
6 and they would have this heavy influx coming in and  
7 they would have to do all the moving around and sailing  
8 inside. These things didn't seem to balance; and  
9 then, of course, you had only half of the crew to call  
10 on for certain jobs. Now, since the change, since  
11 we are on tour de roll, we go anywhere at any time you  
12 are called, and it is working; it has been a more  
13 effective -- it has certainly been more effective in  
14 distribution of work, and we have had more men available  
15 at any one time.

16 Another item at the same time was that if  
17 a ship were sailing within three hours of a ship  
18 arriving there should not be a pilot sent down for the  
19 arriving ship -- that the pilot would disembark from  
20 the sailing ship and wait for the ship arriving. But  
21 very often you may be held up two or three hours in the  
22 docking, if you had the ship moving in bad light, and  
23 there would be no provision for having the pilot out  
24 for this ship to come in; and then, of course, you  
25 have ships arriving much prior to their E.T.A.'s.  
26 But we discussed this with the officials of the Department  
27 and they recognized this, and that never came into effect.  
28  
29  
30





1 THE CHAIRMAN: These were local peculiarities  
2 of the district? They may not apply everywhere.

3 THE WITNESS: I think in Halifax it would  
4 apply, My Lord, because it takes us an hour to get from  
5 the dock to outside and then it would take a good hour to  
6 get from my home to the dock, so if you had a ship  
7 waiting out there and they had to send for a pilot at  
8 the last minute, you can be almost sure it would be an  
9 hour and three quarters to two hours before you would  
10 be out to the ship.

11 MR. LANGLOIS: In regards to question 26,  
12 the formation of the Advisory Committee, would you have  
13 any comments to offer in this connection?

14 THE WITNESS: I thought I had already done  
15 this, but this represents -- the Chairman is accustomed  
16 to call in anybody involved in shipping in the port whom  
17 he feels might be concerned. Sometimes we have the  
18 Queen's Harbour Master; sometimes we have the National  
19 Harbour Board Harbour Master. We have definite members.  
20 Three members of the Pilot Committee, three people from  
21 the Shipping Committee of the Board of Trade, but we  
22 may have members from the Department of Transport.  
23 Quite often Mr. Weston is there, the district agent, or  
24 one of his engineers. This probably fluctuates.  
25 It is more or less informal. About the only really  
26 formal thing about it is that minutes are kept.

27 MR. LANGLOIS: Now, question twenty seven,  
28 do you have anything you wish to add in connection with  
29 the accident to IMPERIAL HALIFAX?  
30





1 THE WITNESS: Well, when I heard Mr. Jacques  
2 read the excerpt of the log, I could understand how that  
3 would happen. If anybody would -- possibly the ship  
4 had too much way. I am not saying that is not possible.  
5 If you are running into anything with her starboard bow,  
6 the worst thing you could possibly do would be to go  
7 astern.

8 I know it looks very bad in court when you  
9 put a ship full ahead but that is the only way you are  
10 going to get away from it. If you go full astern you  
11 are going to have a very serious accident. You may  
12 get more way on the ship. You may have an accident but  
13 still it would be of a much lesser degree than you would  
14 have if you were going astern.

15 I think this has probably happened to most  
16 of us. This is what I like about our present business  
17 with the Department. We have men in the Department  
18 that realize this. When they see a log book like that  
19 our officials there are all former seamen and when they  
20 see things like this they realize and they have a pretty  
21 good idea why this step was taken. There is judgment in  
22 that sort of thing. I could see -- I know probably  
23 many times that a layman might have severely criticized  
24 any one of us but their interpretation of these things  
25 is probably quite a good deal different than a layman's.

26 MR. LANGLOIS: Now, question 28, what about  
27 your views as to instructions from dock owners how ships  
28 should be brought alongside. Do you have any feelings  
29 in this matter?

30 THE WITNESS: Well, I have never heard









1 that but I was told by an official of a company that the  
2 way a ship should be docked was to be parked broadside  
3 to the dock one hundred feet or so back and pushed along-  
4 side. He didn't tell me how I should stop her going  
5 through the water sideways. If I am going straight  
6 ahead and I want to go astern, when I start her sideways  
7 momentum the only way I can do it is to call back for  
8 tugs and the tugs are all on the starboard side and so  
9 they get in and shove away and so we are alongside there  
10 pushing me harder to the dock so they are increasing my  
11 sideways momentum so I think it is rather difficult.

12 THE CHAIRMAN: It is a pilotage matter.

13 THE WITNESS: It is rather difficult to over-  
14 come.

15 MR. LANGLOIS: I have one last question,  
16 Captain. Would you mind telling us what you know of  
17 this medical examination when you apply to renew a pilot's  
18 licence after the age of 65?

19 THE WITNESS: There is no relationship  
20 whatsoever between the annual or bi-annual hearing and  
21 sight test that we have up to the age of 65 to this  
22 medical examination after 65. It is an extremely  
23 strenuous thing. It involves probably maybe several  
24 days. This is a government department and they have  
25 the latest equipment down there and these men realize  
26 when they approach this six months medical test they  
27 are really going to have an ordeal. There is no  
28 relationship between this examination and the normal bi-  
29 annual eyesight and hearing test.

30 MR. LANGLOIS: So, do you have any further





1 comments?

2 THE WITNESS: By the way, **Pilot** Cox has  
3 retired three years and he is still active. He sails  
4 ships as master occasionally.

5 MR. LANGLOIS: He retired at 70.

6 THE WITNESS: He retired at 70. I think  
7 that was three years ago. He is still sailing ships  
8 to the West Indies. He does some tow boating.

9 I was surprised to see -- there is another  
10 thing I read, a good deal of pressure was put on the  
11 Department to take his licence away from him by shipping  
12 companies. I feel that understanding the situation,  
13 they were convinced that he had not deteriorated  
14 physically. He may be very unfortunate and have a  
15 series of these accidents but still that doesn't say  
16 he is accident prone or physically unfit.

17 MR. LANGLOIS: Would you mind giving us  
18 some comments regarding the construction of this  
19 Imperial Oil dock at Halifax?

20 THE WITNESS: Well, they are, with the  
21 exception of No. 4 oil dock -- No. 3 and No. 5 were  
22 quite flimsy things. Ships had done fantastic  
23 damage to them tied up to them without damage to the  
24 ship, set them back many inches, a permanent set in the  
25 dock.

26 That is the trouble with that No. 4 Imperial  
27 oil dock. That is a solid concrete dock. You do  
28 not touch that dock without a ship being damaged.  
29 The other docks are different things. You have dock  
30 damage.





1 MR. LANGLOIS: Any further comments,  
2 Captain Crook?

3 MR. JACQUES: Q. Would the nature of  
4 the dock affect the speed at which you would approach  
5 the dock?

6 A. No, none whatever.

7 Q. So a ship goes too fast whether it is  
8 a crepe dock or a concrete dock. A ship still goes  
9 too fast?

10 A. Well, about that pension fund --

11 MR. LANGLOIS: Before you go to the pension  
12 fund, Captain, if you are approaching a flimsy dock, as  
13 you said, would not your approach be a little more  
14 delicate than it would be otherwise?

15 THE WITNESS: No doubt about that, even  
16 though the dock is well fendered. The fenders may be  
17 damaged.

18 THE SECRETARY: Touche.

19 MR. JACQUES: It is not "touche". It  
20 means when you approach a solid dock he doesn't care  
21 about the dock or the ship he just bashes in.

22 THE WITNESS: No, Mr. Jacques. In Halifax  
23 we are just as concerned about -- we file reports about  
24 damage we do to the dock even though -- or other  
25 installations -- even though the ship is not injured.

26 THE CHAIRMAN: Have you something else to  
27 add about the pension fund?

28

29

30









1 THE WITNESS: Well, I have a scheme going  
2 for the solution of the pension fund, if the present  
3 system is not established. One pilot mentioned to  
4 me "Why don't they pro-rate our pension fund and return  
5 it to us tax free, and let us invest that in a non-taxable  
6 pension, and carry on the present pensioners by a direct  
7 charge against the revenue of the district?"

8 Now, this is bad, too, but it would mean that these men  
9 would be getting some money to work with -- non-taxable  
10 money -- and I think they would probably like to have  
11 it the same as Pilot Betts

12 I see a fantastic thing in this. The man  
13 works for, I believe the actuaries think of it, ten years  
14 -- 65 to 75. He worked for a full salary for 5 years  
15 to the age of 70, and then they refunded I believe all  
16 he could have expected to draw out of the pension fund  
17 if he had been on the sick pension plan from 65 to 75.  
18 So he gets it both ways.

19 Another thing is that we still don't have a  
20 complete pension statement for last year. We have had  
21 three and they have been wrong and incorrect. The first  
22 statement didn't mention anything about the lump sum  
23 payment to Pilot Betts of \$6,000. They tell us we  
24 are running deficits. We realize there is an actuarial  
25 deficit, but this is because of the fact that they have  
26 most of our money in three and a quarter per cent bonds;  
27 and last year when they needed a sum of money they sold  
28 seventy five hundred dollars worth of three and a quarter  
29 per cent bonds to pay pilot Betts; so actually you could  
30





Crook, dir-ex  
(Jacques)

16899

1 say our cash loss was actually \$7,500 to pay pilot Betts  
2 his \$6,000. This could have been foreseen, of course,  
3 and done over a gradual period of time where I imagine  
4 we could have had a little better financial discount  
5 on it.

6 I have run into this quite forcibly when  
7 I have had several pension people investigate our  
8 pension plan; and it is a shocking thing when you  
9 consider we have supplied over \$200,000 in financial  
10 contributions to this plan and yet probably this carries  
11 a value of something like \$160,000. How could we ever  
12 possibly arrive at anything but a deficit with this sort  
13 of investment procedure?

14 Quite recently they have been purchasing  
15 relatively high yield bonds; they are all government  
16 guaranteed bonds, of course, but we are getting into  
17 municipalities now and this sort of thing; but, still,  
18 up until last June, we had \$184,000 of our assets tied  
19 up in three and a quarter per cent government bonds;  
20 and the way they are discounting now hasn't helped.

21 There is another aspect mentioned this  
22 morning. I think that pilots are quite aware, or  
23 have a pretty good layman's knowledge, of these  
24 financial matters of that kind and they are apt to be  
25 very critical of the Department of Finance in this regard;  
26 and when the Glassco Report came out it was quite  
27 interesting to see that a lot of their ideas were  
28 vindicated.

29 This pension plan in Canada for the pilots  
30





Crook, dir-ex  
(Jacques)

1 is not being administered the way it should be and  
2 there certainly should be something done. I think, the  
3 way it is being administered, there should be some  
4 financial responsibility put on the Department of  
5 Finance who has been administering it.

6 THE CHAIRMAN: Are there any further  
7 questions to Captain Crook?

8 If not, we will now adjourn until Monday  
9 morning at 10 o'clock.

10 With respect to the two districts we still  
11 have, I would like to add, to those you already have,  
12 questions as to whether there were any changes in the  
13 bylaws or in the pilot strength.

14 CAPTAIN SLOCOMBE: Is Newfoundland still  
15 to come?

16 MR. JACQUES: Next week we will start off  
17 with Newfoundland and Bras d'Or.

18 THE CHAIRMAN: And we would like the same  
19 thing with respect to these -- what changes have  
20 occurred since last year when we were there.

21 We will now adjourn until Monday morning at  
22 10.00 o'clock.

23  
24  
25 Adjournment  
26  
27  
28  
29  
30





# ROYAL COMMISSION

ON

## PILOTAGE

### HEARINGS

HELD AT

OTTAWA

VOLUME No.:

132

DATE:

June 8, 1964

OFFICIAL REPORTERS

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held  
at the Tariff Board, Ottawa,  
Ontario, on Monday, the 8th day  
of June, 1964.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith,	Member
Harold A. Renwick,	Member

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Mr. Gilbert W. Nadeau,	Secretary
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COMMISSION COUNSEL:

Mr. Maurice Jacques, Q.C.

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Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild, Inc.
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Mr. R. R. MacGillivray,	counsel for the Department of Transport.
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\* \* \* \* \*





1 ---On commencing at 10:00 a.m.

2 CAPTAIN F.S. SLOCOMBE, resumed

3 DIREXT EXAMINATION BY MR. JACQUES:

4 Q. Captain, I believe you have some  
5 documents respecting the trips made to California by the  
6 B.C. pilots?

7 A. Here are four sheets giving a list of  
8 the trips performed to and from California in 1961,  
9 1962 and 1963, with the details connected with it.

10 Q. And this document shows the name of  
11 the vessel, the date started -- is that the date the  
12 pilot left his home base?

13 A. I assume so.

14 Q. It must be because ---

15 MR. LANGLOIS: The year, please.

16 MR. JACQUES: 1961, 1962 nd 1963.

17 MR. LANGLOIS: Is it only to California?

18 MR. JACQUES: To and from California.

19 THE WITNESS: I assume this is the time when he  
20 left, my lord, but I am not quite suire. I will have to  
21 check.

22 MR. JACQUES, Q: Would you check that, please,  
23 and "hours subject to detention charges" -- I do not  
24 recall if the pilot goes into detention when he leaves  
25 at B.C. or if he goes into detention when he arrives  
26 down in California. I believe it is when he leaves  
27 B.C.

28 I am instructed it is when he leaves B.C., he  
29 goes into detention. Is that so; so the date stated  
30 would be the date on which he left his home base and the





1 "hours subject to detention charges" would be the time  
2 he spent travelling to California and from California  
3 to pilotage waters.

4 A. I am sorry, my lord. I confess I have  
5 not studied this and had it explained to me so I am  
6 afraid I can't give evidence on it.

7 MR. LANGLOIS: What is the source of your  
8 information?

9 THE WITNESS: This is taken from my own  
10 pilotage office but I just had it passed to me and I am  
11 afraid I did not study it. Perhaps if we could postpone  
12 this until this afternoon ---.

13 MR. LANGLOIS: This will contained in the  
14 pilot source form.

15 MR. JACQUES, Q: I am instructed that the  
16 hours subject to detention charges would include all  
17 the detention, that is going down to California and  
18 back up from California and also any detention incurred  
19 in returning to base if the job has been completed or,  
20 if say, the job is not completed at the home base of the  
21 pilot.

22 THE CHAIRMAN: In order that we may have  
23 the right evidence here, would you check that?

24 THE WITNESS: Yes, my lord. I am sorry. I  
25 must apologize.

26 THE CHAIRMAN: You could, just for the sake  
27 of an example, bring a copy of the source form for one  
28 of the entries so therefore we will know exactly what  
29 it means.

30 MR. LANGLOIS: I am informed, my lord, this is







1 contained in the remarks on the source form.

2 THE CHAIRMAN: Yes, so with a copy of the  
3 source form plus that, we will know exactly what it  
4 means.

5 Are you filing that now?

6 THE SECRETARY: It has been filed, my lord,  
7 Exhibit 1160. My lord, it has not yet been filed but  
8 it is going to be filed this afternoon.

9 MR. JACQUES, Q: After consulting with the  
10 B.C. pilots I am told that there was no uniformity.  
11 Each job apparently is different depending on the nature  
12 of the job so we might have one case where detention is  
13 of a particular nature while this would not apply in the  
14 next.

15 A. My lord, it should be explained that  
16 this is not in the by-laws. This is just an arrangement  
17 made under -- I cannot even say that we will be able  
18 to explain this but we will try to see what we can find  
19 out for this afternoon.

20 MR. JACQUES: If you please.

21 THE CHAIRMAN: I understand the arrangement  
22 will be with the California Shipping and other companies.  
23 The time element is not of much concern. It is the  
24 rate; \$75.00 per day or something like that.

25 THE WITNESS: I am afraid I can't answer this,  
26 my lord. I am sorry. We will get the answers  
27 today.

28 My lord, we also discussed on Friday, if you  
29 will recall, Thursday or Friday, the matter of the  
30 Advisory Committee at Saint John, New Brunswick. I





1 undertook to call Mr. Kane and Captain McKinnon and  
2 I did so on Friday afternoon.

3 Captain McKinnon says that the committee is  
4 still in existence and there has not been anything  
5 worthwhile calling a meeting for for some time and he  
6 told me that Mr. Cain has resigned  
7 he did not want to have anything more to do with this  
8 and another gentlemen

9 I spoke to Mr. Kane and he more or less  
10 confirmed what Captain McKinnon has said but his  
11 reply was -- his reason was that the action taken  
12 by the Advisory Committee meeting that he attended  
13 had not been what he had thought they should be and  
14 he has decided that he prefer to step out.

15 THE CHAIRMAN: Do you know whether any minutes  
16 were kept of these meetings?

17 THE WITNESS: Captain McKinnon sent me over  
18 the weekend one set of minutes. It would appear this  
19 was the first one. He says he cannot find any more.  
20 I can file this, if you like.

21 MR. LANGLOIS: What was the date of that  
22 meeting?

23 THE WITNESS: This is February 19th, 1959.

24 Now, perhaps a similar situation exists  
25 there as in Sydney where also the Captain says speaking to  
26 Captain Parker that Captian Parker says:

27 "Well, there is no need for  
28 this there because there was only  
29 one outfit involved and that was  
30 Dosco. Then Mr. Lorway





1                   apparently handled Dosco ships.

2                   He is in touch with these

3                   people continuously.   He has

4                   not seen any necessity for any

5                   full meeting of this kind so

6                   that there is no meetings and

7                   no formal minutes

8                   anyway."

9                   MR. JACQUES: I would like to file a memorandum  
10 of a meeting of the local authority held at Saint  
11 John, New Brunswick, February 19, 1959  
12 perhaps of thing which might be discussed at such a  
13 meeting.

14                  THE SECRETARY: This will be Exhibit No. 1181.

15                  THE CHAIRMAN: 1181?

16                  MR. JACQUES: Yes, my lord.

17  
18                  ---EXHIBIT NO. 1181: Memorandum of meeting of the  
19   local pilotage authority at Saint  
  John, New Brunswick dated February  
  19th, 1959.

20                  MR. JACQUES; My lord, I have been supplied  
21 with the file of the Department on the Imperial-Halifax  
22 incident and I should like to file these documents as  
23 Exhibit 1179. However I have been asked that they  
24 be filed as confidential material.

25                  THE WITNESS: The reason, my lord, is that I  
26 have there a copy of the preliminary inquiry evidence  
27 and report and, as your lordship knows, it is the  
28 practice of the Department to keep this confidential  
29 to the Department.  
30







1  
2 ---EXHIBIT NO. 1179: Document relating to the Imperial  
3 Halifax incident, previously  
4 numbered on Friday, June 5, 1964.

5 MR. LANGLOIS: May I have a look at it?

6 MR. JACQUES: Yes.

7 Q. And the information contained in that  
8 file accords with the information which I had and which  
9 I ---

10 A. Oh yes.

11 Q. -- made public last week.

12 A. This is correct. The accompanying letters  
13 are apropos and they explain the situation.

14 THE SECRETARY: I take it, my lord, that the  
15 request is granted that it be filed as confidential?

16 THE CHAIRMAN: Yes.

17 THE WITNESS: My lord, the letters attached  
18 to that are not confidential. It is just the  
19 preliminary inquiry report itself, if you don't mind. I  
20 believe the purpose in asking for this information  
21 was just to see whether an inquiry was held in this  
22 case.

23 THE CHAIRMAN: Yes, and what kind.

24 MR. JACQUES: How thorough was the inquiry.

25 THE CHAIRMAN: This would be an example of the  
26 way it is done.

27 THE WITNESS: Correct, my lord.

28 MR. JACQUES, Q: If there are no more  
29 questions with respect to Halifax, we may move to  
30 Sydney, Nova Scotia and the first question is with  
respect to British Columbia, would you have similar





1 information to that which you have shown the Commission  
2 with respect to the California trips, with respect to  
3 other trips outside of the district down to Oregon or  
4 Puget Sound?

5 A. I am told we can get it, my lord, yes.

6 Q. Would you, please?

7 A. Yes. We had better hold this up until  
8 we have the whole thing.

9 THE CHAIRMAN: Right.

10 MR. JACQUES, Q: Question 1, which is the  
11 opinion of the Department on the recommendations, is  
12 to be postponed. Question 2, I think has been  
13 partially answered in the previous evidence and reads  
14 as follows:

15 "Explain why the pilot  
16 boat bought out of pilotage dues  
17 is registered in the name of  
18 Her Majesty".

19 A. Yes, my lord. I won't need to labour  
20 this point which we discussed last week. When the  
21 Minister of Marine and Fisheries became Pilotage  
22 Authority for the Sydney District the pilots of that  
23 day signed over for the sum of \$1.00 all boats,  
24 buildings and equipment owned by them and I am going  
25 to file here, my lord, a photo copy of the document,  
26 of the instrument by which this was done. It is dated  
27 at Sydney, Nova Scotia on May 15th, 1922. It is  
28 addressed to the Director of Pilotage, Sydney, Nova  
29 Scotia and it says:

30 "We, the undersigned pilots





1 of the Sydney Pilotage District,  
2 herewith for and in the consideration  
3 of \$1.00 hereby release and transfer  
4 to the Minister of Marine and  
5 Fisheries as pilotage authority  
6 for the district all our interest,  
7 claims and ownership of our  
8 gasoline motor boat, buildings,  
9 etc., now in our possession and  
10 used by us",

11 and it is signed by all the pilots of that day.

12 MR. JACQUES: I should like to file this  
13 document as Exhibit 1182.

14 THE WITNESS: I think it is clear since that  
15 time the boat and property have not been owned by the  
16 pilots but by the Crown represented by the Minister of  
17 Transport lately as Pilotage Authority.

18 ---EXHIBIT NO. 1182: Document transferring ownership  
19 of pilot boat and property to the  
20 crown.

21 MR. LANGLOIS: Was this followed by a regular  
22 bill of sale?

23 THE WITNESS: This, I think, Mr. Langlois,  
24 represented the Bill of Sale. This is the document.

25 MR. LANGLOIS: This was the document filed  
26 with the customs, with the Registrar of Shipping.

27 THE WITNESS: There was no registration as  
28 in the case of Saint John and Halifax -- I think  
29 Halifax. There was a registered vessel involved in that  
30 case. Of course, the register itself shows the







1 transaction. In the case of Sydney apparently there  
2 was just a gasoline motor launch and other property and  
3 this was signed over by this instrument.

4 COMMISSIONER RENWICK: What is the date,  
5 please?

6 MR. LANGLOIS: May 15th, 1922.

7 THE CHAIRMAN: While we are on this subject,  
8 in accordance with our law could the authority own any  
9 assets such as a pilot boat as an authority? I don't  
10 mean as Minister, as Authority. It could be the  
11 Local Commission or it could be anything.

12 THE WITNESS: This, I think, we dealt with  
13 last week, my lord when it was suggested by me, as a  
14 layman, that the terms of the by-law provided for this.

15 THE CHAIRMAN: The by-law, yes.

16 THE WITNESS: (Answer continued): And  
17 which are made by the Pilotage Authority, of course.

18 THE CHAIRMAN: I was just wondering whether  
19 there was anything special in the Canada Shipping Act.

20 THE WITNESS: No, there was not.

21 THE CHAIRMAN: That would say the Authority  
22 could or could not.

23 THE WITNESS: I don't think, my lord, it is  
24 mentioned at all.

25 MR. JACQUES: It is not. The only mention  
26 with respect to pilot boats are contained in sub-section  
27 (b) and (c) both in section 329.

28 The authority may make regulations respecting  
29 the approval, licensing, management and maintenance  
30 of pilot vessels and their equipment, and respecting





1 the distribution of the earnings of pilot and pilot  
2 vessels; and it may provide for aiding in the  
3 establishment of and participating in the profits of  
4 companies for the support of pilot vessels.

5 THE CHAIRMAN: That is pretty wide.

6 MR. JACQUES: There is general section which  
7 enables the Pilotage Authority, with the sanction of  
8 the Governor-in-Council, to pay any other necessary  
9 expenses of conducting the pilotage business of the  
10 district out of the funds but there is no section  
11 enabling the Pilotage Authority, as a body corporate,  
12 or otherwise, to own any moveables or immoveables.

13 THE WITNESS: It may be that this is the  
14 reason for the wording on the register in places where  
15 the vessel is registered. I think the latest is  
16 "Her Majesty, the Queen, represented by the Minister of  
17 Transport, as Pilotage Authority", so this point has  
18 probably been thought of, my lord, before because it  
19 is quite essential for the work of the district.

20 THE CHAIRMAN: Thank you.

21 COMMISSIONER SMITH: My lord, I would like to  
22 recall some evidence given by Captain Parker with regard  
23 to pilot boats in Sydney. In answer to Mr. Langlois,  
24 Captain Parker said that one of the pilot boats is  
25 finished, worn out, and should be replaced without  
26 delay.

27 --

28 --

29 --





1 THE WITNESS: Mr. Smith, we are aware of this  
2 situation with regard to the pilot boats there. This  
3 statement was a little extreme, but we are endeavouring  
4 to replace the pilot boats as soon as the money is  
5 available. But to say that they are worn out and  
6 finished -- they still have steamship inspection.

7 COMMISSIONER SMITH: This is the supervisor  
8 talking on this.

9 THE WITNESS: Yes, my lord, and the supervisor  
10 is trying to make a point there. He wants a new boat.

11 COMMISSIONER SMITH: He must have a good  
12 reason for it.

13 THE WITNESS: Oh, yes, sir; he has a good  
14 reason. We would like to get it changed, but there is  
15 a matter of -- I need not mention to you we have to  
16 obtain approval for this and we have not got the money  
17 yet.

18 MR. LANGLOIS: Has not the situation worsened  
19 since you have only one boat available now for Sydney  
20 and at that time you had two?

21 THE WITNESS: This boat is working very well  
22 as far as we are concerned. It is not as bad as is  
23 painted by the supervisor in order to make his point.

24 THE CHAIRMAN: Is that the one we rode on?

25 THE WITNESS: Yes.

26 THE CHAIRMAN: We travelled from Sydney to ---

27 THE WITNESS: I was not there, my lord; I  
28 am not sure.

29 MR. DAVID RYAN: It was the larger boat that  
30 we are referring to now.









1 MR. JACQUES, Q: With respect to steamship  
2 inspection are government boats, particularly pilot  
3 boats, subject to the same regulations as commercial  
4 vessels?

5 A. They are made subject to it voluntarily  
6 if they are not in fact by law. I am not sure, but  
7 they are required to pass the steamship inspection  
8 requirements under the same ---

9 Q. Under the same regulations?

10 A. Yes, exactly.

11 Q. So there is no preferential treatment  
12 for Crown vessels?

13 A. No, there is not, as long as they are  
14 registered. If they are registered vessels they are  
15 subject to steamship inspection requirements the same  
16 as any other vessel.

17 Q. Has it happened that a certificate was  
18 refused by a steamship inspector for a pilot boat?

19 A. Yes. I think there was one time in  
20 Saint John. It seems to me I recall one time where  
21 at least they were threatened to withhold it and  
22 something was done, but this, of course, has happened  
23 frequently when a steamship inspector finds that there  
24 is something lacking. This is his weapon. He is  
25 going to withhold a certificate until this is done --  
26 and the measure then is invariably taken. It is the  
27 same as any other.

28 MR. LANGLOIS: Human nature being what it is  
29 I can hardly picture a junior C.S.I. inspector  
30 condemning a boat of his own department.





1 THE WITNESS: Well, my lord, I think it is  
2 quite possible that he would in the first instance --  
3 perhaps untactfully. At least you may be assured they  
4 do bring to the attention -- they play no favourites  
5 in this matter -- they bring to the attention of the  
6 Department that this vessel does not comply with the  
7 requirements. I know our director Mr. Cumyn is  
8 also Chairman of the Board of Steamship Inspection and  
9 he likes to have things in compliance.

10 MR. JACQUES, Q: But you never had complaints  
11 of pilots except a general complaint that the boat is  
12 not up to par -- complaints that the boat had not  
13 satisfied steamship inspection regulations?

14 A. Not that I can recall, no. The  
15 unsatisfactory nature of this boat in Saint John is  
16 the difficulty of keeping the deck tight for one thing.  
17 When a pilot boat is in use it frequently strikes  
18 against the ships when a pilot is being boarded and  
19 discharged from a ship and this is very hard on a  
20 wooden vessel and it is very difficult to keep the deck  
21 tight. But this is just an expense that the Department  
22 is meeting.

23 Q. Without implying that any division of  
24 the Department did not perform its duties I believe  
25 that both the pilotage and steamship inspection are  
26 under one and the same head?

27 A. This is so. I may say this enables a  
28 much closer liason and the instructions are that the  
29 district supervisor of pilots must work closely with the  
30 local steamship inspector and have periodic inspections,





1 not only the statutory inspections, but that steamship  
2 inspector is supposed to look at it frequently so that  
3 any insipient failure can be caught before it happens.

4 Q. You have never lost a pilot boat due  
5 to unseaworthiness?

6 A. No. There have been losses through  
7 casualties, but not through unseaworthiness.

8 Q. Casualties? Would you mean collisions?

9 A. Collisions and grounding also.

10 Q. And grounding? Grounding? Which one?

11 A. The GROS CAP, Halifax.

12 Q. The GROS CAP?

13 A. I am just talking from memory now, my  
14 lord, but I know there was the CAMPERDOWN which was  
15 stranded and became a constructive total loss as far  
16 as the insurance was concerned. It was brought back  
17 and used again.

18 Q. Was it under Crown ownership?

19 A. It was under the old system at that time  
20 -- Crown ownership, yes, but being paid for out of  
21 revenue.

22 Q. And maintained by pilots or maintained by  
23 the Crown?

24 A. Maintained out of pilotage revenue by  
25 the Crown.

26 MR. LANGLOIS: It has been put into the  
27 record as evidence that no rations, survival rations  
28 were being carried in pilot boats. How could this  
29 happen if these pilot boats are subjected to the  
30 same inspection as any other commercial boats? How could









1 that happen?

2 THE WITNESS: As far as I know, Mr. Langlois,  
3 there is no requirement in the steamship inspection  
4 regulations for rations. This would depend upon the  
5 length of the voyage. This is not a part of the  
6 steamship inspection requirements.

7 MR. LANGLOIS: I know. On my boats I have  
8 to carry rations.

9 THE WITNESS: What kind of rations?

10 MR. LANGLOIS: Survival rations and lifeboats.

11 THE WITNESS: Oh, this is not what is being  
12 discussed here. Any life saving equipment that may  
13 be carried on the boat, it should comply with the  
14 equipment regulations, but I think I am safe in saying  
15 that whatever regulations there are for a voyage of  
16 this kind are complied with.

17 MR. JACQUES: Yes. I think we must distinguish  
18 between rations on board the pilot boat and rations in  
19 the lifeboat.

20 MR. LANGLOIS: The evidence was rations in  
21 the lifeboats -- life saving rations, survival rations,  
22 whatever you call them. We have evidence to that  
23 effect from both the east and west coast pilots.

24 THE WITNESS: I am sorry, Mr. Langlois, I  
25 must take exception to that. I think you are mistaken.  
26 I think what was talked about was that we used to  
27 provide some stores for the pilots in case they were  
28 kept out past a meal hour. They could make coffee and  
29 sandwiches or something like this while they were  
30 outside.





1 MR. JACQUES, Q: Anyway, would you check  
2 what are the requirements?

3 MR. LANGLOIS: My lord, I reserve calling a  
4 witness on that because surely that was a misunderstanding.  
5 I am told that in Saint John there is not even drinking  
6 water on the boats -- not even drinking water on  
7 board.

8 MR. JACQUES, Q: Would you check what are  
9 the requirements of the steamship inspection with  
10 respect to rations on boats of similar sizes and doing  
11 similar voyages as the pilot boats are doing?

12 A. To clarify, do you mean life saving  
13 equipment rations?

14 Q. Life saving equipment, because breakers  
15 of water and rations would be carried under life saving  
16 equipment regulations.

17 A. I am not sure.

18 Q. Otherwise it would be just stores on  
19 board.

20 THE CHAIRMAN: Would you verify what are  
21 the regulations applicable to pilot boats for the  
22 various trips required -- for instance the trip between  
23 Quebec and the ship, which is about a five minute or  
24 ten minute trip, might be different from a trip to  
25 Triple Island?

26 THE WITNESS: I will present the regulations  
27 on this, my lord.

28 MR. LANGLOIS: I think there are special  
29 regulations for life -- for pilot boats, if I am not  
30 mistaken.





1 MR. JACQUES: No. I asked for regulations  
2 applying to boats of similar tonnage and doing similar  
3 trips as pilot boats.

4 MR. LANGLOIS: And classed as passenger  
5 ships.

6 THE WITNESS: They would have a classification.

7 MR. LANGLOIS: As passenger boats?

8 THE WITNESS: Yes.

9 COMMISSIONER RENWICK: They would be licensed  
10 for five passengers?

11 MR. JACQUES: The one in Sydney?

12 COMMISSIONER RENWICK: Yes.

13 MR. JACQUES: I do not recall, but it is in  
14 the record somewhere.

15 Q. There was a statement made by Captain  
16 Parker, volume 31, page 3409, which reads as follows:

17 "When the boat is finally  
18 sold" --  
19 and he refers to a pilot boat --

20 "it is generally understood that  
21 the funds received for the boat  
22 will be returned to the pilots.

23 That has been the custom with  
24 the other boats."

25 Is that exact?

26 A. This is so. To follow on what I said  
27 before, the revenue of the district does not belong to  
28 the pilots until the payments out of the pilotage fund  
29 and as provided in the by-laws have been made. Only what  
30 is left belongs to the pilots. On the other hand if







1 the money so spent on pilot boats were not so spent  
2 then there would be more left to distribute among the  
3 pilots, so when the pilot boat that had been paid for  
4 out of revenue was disposed of it seemed to the  
5 Department that the only place for the proceeds to go  
6 was into the pilotage fund, and this was distributed  
7 then among the existing pilots.

8 I quite appreciate that this is open to  
9 considerable argument. There are some who might claim  
10 that pilots who had retired had a claim on this if it  
11 was paid out of revenue while they were working. But  
12 this is the kind of argument that comes in, my lord,  
13 when it is conceded for a moment that the pilot boat  
14 belongs to the pilots -- what happens when some retire  
15 and so on.

16 Q. And you always come back with the same  
17 concept of a fund for a district having its own expenses  
18 apart from the pilots -- being independent from the  
19 pilots?

20 A. Correct. This is our interpretation  
21 of the by-laws.

22 THE CHAIRMAN: Of the law?

23 THE WITNESS: Yes. As the by-laws are approved  
24 by order-in-council so it becomes law.

25 MR. LANGLOIS: Would you mind, Captain Slocombe,  
26 telling us what happened after the Pilotage Authority  
27 of the Minister of Transport took over the boat in  
28 Sydney? What happened when the time came to change  
29 that boat, to renew her? Who paid for the new boat?

30 THE WITNESS: Well, before 1950 it was paid





1 for out of revenue in the same way as it always had  
2 been provided, but since that time the pilots, the  
3 revenue now is not affected at all.

4 MR. LANGLOIS: When you say "revenue" it is  
5 pilotage revenue?

6 THE WITNESS: The revenue from pilotage  
7 earnings.

8 MR. LANGLOIS: When the boat was disposed of  
9 what happened to the purchase price?

10 THE WITNESS: This is what I am saying. The  
11 boat was disposed of. If it were an old boat which  
12 had been acquired under the old system, being paid for  
13 out of revenue, then the sale price was paid into the  
14 pilotage fund and so it was distributed then among  
15 the pilots of the day.

16 MR. LANGLOIS: Before we leave the subject of  
17 boats, my lord, may I make a suggestion? The remarks  
18 I made a while ago, a few minutes ago concerning  
19 survival rations in lifeboats, if they are going to be  
20 clarified -- and I think it is good that the subject be  
21 clarified -- I would suggest also we get the same  
22 information regarding boats used in the pilotage service  
23 but by individuals, as in the case of Quebec. If my  
24 memory serves me well we were informed that the boats  
25 used there to take the pilots on and off, to and from  
26 the ships, were not inspected by the S.C.I. inspection  
27 service but by the R.C.M.P. rather.

28 I would like to know if this substitution  
29 obtains elsewhere so we can establish a comparison  
30 between those boats which are of the pilotage authority





1 and those operated by individuals.

2 THE WITNESS: My lord, the tonnage is the  
3 criterion in this case. Steamship inspection does not  
4 apply to anything under 15 tons gross, so the boats  
5 used at Quebec are merely open motor boats which would  
6 come under the ordinary small boat regulations which  
7 would be looked after by the R.C.M.P.

8 MR. JACQUES, Q: And I believe they do not  
9 require rations?

10 A. Oh, I am quite sure not.

11 Q. It might be appropriate to read here  
12 part of Captain Parker's evidence given in cross-  
13 examination by Mr. Langlois at page 3445, volume 31  
14 with respect to boats.

15 "Q. Are these boats used as  
16 search and rescue vessels?

17 A. They have been.

18 Q. Are these boats well stored?

19 A. No, sir.

20 Q. No stores at all?

21 A. No, sir.

22 Q. Nothing in emergency rations?

23 A. No, sir. The Department

24 withdrew their emergency

25 rations some time ago.

26 However it is well understood

27 by Search and Rescue that

28 the endurance of these boats

29 is very limited. They are

30 not certified to go outside







1 the harbour."

2 A. I think this explains itself, my lord.

3 If a vessel is not certified to go outside the harbour  
4 the need for emergency rations or rations of any kind  
5 does not look very impressive.

6 Q. I might read further on.

7 A. Excuse me, Mr. Jacques. If you will  
8 permit me, when Captain Parker is talking of emergency  
9 rations he is still talking about rations we used to  
10 put on board, the stores we used to put on board which  
11 we called emergency rations for a case in which the  
12 pilot boat was waiting for a ship which had given  
13 an erroneous E.T.A. and was waiting outside for this  
14 ship to come in. This sometimes happens with a wrong  
15 E.T.A. They might be waiting there for some hours.  
16 It provided something to tide them over until they  
17 got back to their base.

18 Q. I think we can see further on what was  
19 being discussed. The next question is:

20 "Q. What would happen to the  
21 pilot if the boat had broken  
22 on and drifted at sea?  
23 There would be no rations  
24 on board to feed the personnel  
25 on the boat and the pilots  
26 on board?

27 A. There would be no rations  
28 on board except what the  
29 boat men would bring for  
30 their own use. They have





1 an allowance, a monthly  
2 allowance to provide  
3 rations for themselves."

4 A. This is correct, but I think this is  
5 the case with any small vessel.

6 Q. The next question refers to boats: Why  
7 were they taken over by the Department?

8 A. Well, the reason given is as stated in  
9 the orders-in-council which have been filed, my lord.  
10 In 1948 for a start the government approved a  
11 contribution to the pilotage funds of certain pilotage  
12 districts amounting to half the expense of operating  
13 the pilot boats. Then in 1950 authority was given to  
14 reimburse the pilotage funds of the whole cost of  
15 operation and maintenance of the boats and to pay  
16 directly the cost of stations and of acquisition of or  
17 hiring of new boats.

18 There was a change in 1956, but this was only  
19 to the effect that the cost of operation and maintenance  
20 of boats would be paid directly out of the departmental  
21 appropriation from Ottawa instead of first being paid  
22 out of the local pilotage funds and then reimbursed  
23 by Ottawa.

24 The rest of that question, Mr. Jacques,  
25 mentions "explain loans made to the pilots ---".

26 Q. Refers to a loan which Captain Parker  
27 mentioned in cross-examination at pages 3443 and 3444  
28 of volume 31.

29 A. I confess, my lord, as to being entirely  
30 surprised on reading Captain Parker's evidence. I was





1 not there. I find that we have not briefed him  
2 properly on these situations.

3 MR. LANGLOIS: Are witnesses being briefed?

4 THE WITNESS: Well, we mentioned the other  
5 day the desirability of having supervisors and pilots  
6 in Ottawa for training. This is conspicuous in this  
7 case. Captain Parker has spent a short time in  
8 Ottawa but evidently he has lived so long in close  
9 friendship with the pilots that his ideas have become  
10 a little warped.

11 MR. LANGLOIS: In the right direction!

12 THE WITNESS: Perhaps. The sum of \$20,000.00  
13 was mentioned in the evidence at page 3606 and I think  
14 this is what gave rise to your question, Mr. Jacques.

15 MR. JACQUES, Q: Yes -- 3606 of volume 32.  
16 It was a question put by Mr. Langlois to Pilot Ryan  
17 and refers to a letter addressed to Captain Noel,  
18 superintendent of pilots at Sydney, and signed by  
19 Mr. MacPhail, Director of Marine Services.

20 A. Yes, my lord. I have thumbed through  
21 the files and have got this correspondence, which I  
22 will file. The first one is a copy of a letter  
23 from the Director of Marine Services to Captain Noel  
24 who was then superintendent of pilots. It is dated  
25 the 21st October, 1940. There was evidently another  
26 letter on that date and this is a correction to it.

27 --

28  
29 --  
30







1 "Further to my letter of  
2 even date in which acknowledgement  
3 is made to set aside \$15,000.00 ---"

4 I am sorry; this is out of order. The first letter, my  
5 lord, is 1st October, 1940 to Captain Noel, by the  
6 Director of Marine Services; and this first letter  
7 reads this way:

8 "Will you please advise me  
9 if the Sydney pilots have given  
10 any consideration to using any  
11 surplus funds which may accrue  
12 at the end of the present fiscal  
13 year towards paying for the  
14 construction, equipment and  
15 outfitting of a new pilot vessel  
16 to be registered in the name of  
17 His Majesty.

18 There is need for rigid  
19 economy in Departmental  
20 expenditures on account of the  
21 war, and it is thought that a  
22 construction loan, in accordance  
23 with past practice, can be saved  
24 if the pilots used surplus  
25 pilotage earnings to build a  
26 new vessel".

27 However, at the time I should explain that there was  
28 in the by-laws, as there has been from the first by-laws  
29 in 1922 and 1923, a limitation on the amount of  
30 remuneration a pilot could receive after pension fund





1 and all expenses had been paid.

2 MR. JACQUES, Q: There was a limitation ---?

3 A. There was a limitation on the money they  
4 could receive, and at this time it was \$4,500.00 in  
5 the by-law; so there was a surplus.

6 There had been a great influx of ships through  
7 the convoy system; there was a big influx of ships and  
8 an increase in the revenue accordingly.

9 The next letter is the reply of Captain Noel  
10 to the Director of Marine Services, dated 8th October.  
11 He says:

12 "Referring to your letter  
13 of the first instant with regard  
14 to surplus funds, which may accrue  
15 at the end of the present fiscal  
16 year, towards paying for construction,  
17 equipment and outfitting of a new  
18 pilot boat to be registered in the  
19 name of His Majesty, I wish to  
20 advise that just as I was about to  
21 write all pilots with regard to the  
22 above, I received a request from  
23 the Pilots' Committee with regard  
24 to same, which I enclose herewith.

25 Will you please give this  
26 request your kind consideration."

27 The enclosure is a letter dated October 6th, two days  
28 before, addressed to Captain Noel, the superintendent  
29 of pilots, and signed by the three members of the  
30 Pilots' Committee, and it says:





1 "With regard to the above" --

2 This is the disposal of pilotage receipts --

3 "-- the following report is  
4 submitted.

5 It is requested for the  
6 Department's approval that a sum  
7 of \$15,000.00 be taken from the  
8 net pilotage receipts for the  
9 1940-41 season, to be placed in  
10 a Fund for the future construction  
11 of a pilot boat, such fund to be  
12 at the disposal of the Sydney  
13 pilots when it is again decided  
14 to request permission to build.

15 It is also thought fair to  
16 request that any residue remaining  
17 after the above allotment is made,  
18 should be divided among the  
19 personnel of this Pilotage District.  
20 It will be understood that we have  
21 worked much steadier and harder  
22 this year, and would thus appreciate  
23 a share in the earnings made through  
24 such increased work."

25 As I say, this was signed by the three members of the  
26 Pilots' Committee of that day.

27 COMMISSIONER SMITH: Captain, one question  
28 on the matter of the surplus pilots' earnings. What  
29 would happen to these earnings if they weren't  
30 expended in the purchase of a boat, or payment of a loan







1 on a boat? What eventually would happen? I know  
2 these funds were distributed after this happened, but  
3 was there some regulation, or what was the ---

4 THE WITNESS: The by-law of the day, Mr.  
5 Smith, provided, after providing for the various  
6 payments out of all expenses and the pension fund  
7 contribution and so on and setting the limitation on  
8 the amount which pilots could receive -- the limitation  
9 being \$4500.00 in any fiscal year -- the final paragraph  
10 said this:

11 "Provided also after all  
12 expenses, salaries, etc., as  
13 outlined in sub-paragraph (a),  
14 (b) and (c) are paid there is  
15 a balance in the pilotage fund..."

16 The word "if" is obviously missing there by a misprint.  
17 It should be:

18 "Provided also if, after  
19 all expenses....there is a  
20 balance in the pilotage fund  
21 such balance may be, at the  
22 discretion of the pilotage  
23 authority, be used for the  
24 improvement or betterment of  
25 the pilotage service at Sydney."

26 COMMISSIONER SMITH: This money was just held  
27 in escrow for specific purposes?

28 THE WITNESS: Subject to that paragraph. I  
29 haven't any record, Mr. Smith, of an actual surplus.  
30 I don't think perhaps the revenue produced up to the





1 limit until this war time situation, because I have  
2 no record of any disposal of any surplus in this way.

3 But, in any case, the resultant action now  
4 takes away that question.

5 MR. JACQUES, Q: Again, this was in line  
6 with the concept made known to us last week, that you  
7 consider the pilotage fund as a separate entity from  
8 the pilots?

9 A. This is our understanding, yes.

10 The next letter on the sheaf of letters is  
11 dated 21st October, and this is from the Director of  
12 Marine Services to the Superintendent of Pilots and  
13 he says:

14 "I have your letter of the  
15 8th instant, enclosing letter to  
16 you, signed by the members of  
17 the Pilots' Committee, in which  
18 they request:

19 (1) That the sum of \$15,000.00  
20 be retained by the Department  
21 from 1940-41 net pilotage  
22 receipts, to be placed in a  
23 specific fund to be used  
24 for the building of a pilot  
25 boat; and

26 (2) That any residue remaining  
27 after the above allotment  
28 is made to be divided amongst  
29 the pilots.

30 As regards the first request, the





1 Treasury Branch has advised that  
2 this amount may be set aside and  
3 place in the 'Undivided Surplus  
4 Account' to be used as requested...".

5 I would remind your lordship that at that time the  
6 money was sent to Ottawa and disbursed from Ottawa.  
7 The pilotage fund was handled by the Treasury Branch  
8 of the Department, not by the local superintendent. Then,  
9 to go on with the letter:

10 "...With reference to the  
11 request that the pilots be paid  
12 any residue after setting aside  
13 the \$15,000.00 spoken of above,  
14 will you please inquire from the  
15 Pilots' Committee if their  
16 suggestion is that the pilots  
17 are to first receive their  
18 maximum of \$4,500.00 allowed under  
19 the by-laws, and then receive  
20 any surplus after the \$15,000.00  
21 has been set aside. If so, a  
22 revision of by-law No. 8(b)  
23 would be necessary to authorize  
24 payment to the pilots of an  
25 amount over the \$4,500.00 limit."  
26 In another letter of the same date he says:

27 "Further to my letter of  
28 even date in which acknowledgement  
29 is made to set aside \$15,000.00  
30 for the building of the new pilot







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1 boat; I should like to know  
2 if this amount is sufficient  
3 to build a new vessel and install  
4 a new engine according to plans  
5 drawn up.

6 I am inclined to think it  
7 would be advisable if \$20,000.00  
8 were set aside rather than have  
9 a deficit to take up when all  
10 accounts for the building and  
11 equipping of this vessel are  
12 submitted. I shall, therefore,  
13 be obliged if you will give this  
14 matter your consideration and let  
15 me have your views thereon at an  
16 early date."

17 The next letter is from the superintendent of  
18 pilots to the Director of Marine Services, dated October  
19 29th -- this is just a covering letter -- and he says:

20 "Referring to your letter  
21 of the 21st instant, re disposal  
22 of pilotage receipts, I wish to  
23 advise that on receipt of your  
24 letter I immediately wrote the  
25 Pilots' Committee with regard to  
26 same, and enclosed is a reply  
27 received from them which is self-  
28 explanatory."

29 The reply spoken of is the letter addressed to  
30 the superintendent of pilots by the three members of the





1 Pilots' Committee, dated October 28th, the previous day,  
2 and it says:

3 "In reply to the Department's  
4 letter of the 21st inst., we wish  
5 to state that we are in full  
6 accord with the suggestion that  
7 an amount of \$20,000.00 be placed  
8 in the 'Undivided Surplus Account'  
9 to be used, when it is again  
10 decided that a new pilot boat  
11 must be constructed.

12 With respect to the third  
13 para., concerning the payment of  
14 any surplus after the maximum  
15 of \$4500.00 has been earned, and  
16 the amount, above referred to,  
17 set aside, it is suggested that  
18 By-law No. 8(b) be revised to  
19 cover this situation. We  
20 believe that after allowing for  
21 necessary replacements and  
22 repairs, etc., as covered in  
23 the above paragraph, it would be  
24 in order to dispense with any  
25 definite amount as the maximum  
26 salary during the present period  
27 of facilities. At the conclusion  
28 of the war we should again revert  
29 to the maximum as at present set  
30 forth in our by-laws.





1                   Concerning the \$20,000.00,  
2                   above referred to, it is suggested  
3                   that as four temporary pilots are  
4                   at present employed, and that there  
5                   may be pilots retiring before the  
6                   new pilot boat is constructed,  
7                   that a rule be made by the  
8                   Dept., that no per capita share  
9                   be allowed to be withdrawn from  
10                  the 'Unidivided Surplus Account'  
11                  upon the retirement, or the  
12                  dispensing of any temporary  
13                  pilots' services..."

14               MR. JACQUES,   Q:   What was this per capita  
15               share?

16               A.   He is saying there should be no per  
17               capita share.   This is placing on record the premise  
18               that the individual pilots had no equity in the boat.  
19               This is their agreement on that; because they didn't  
20               want the temporary pilots, who were contributing to  
21               the earnings, to share in this \$20,000.00 that had been  
22               put aside, if there were any left, anyway.

23               Q.   But it didn't mean that the permanent  
24               pilots waived their rights to a per capita share on  
25               the balance.

26               A.   This is in effect the case.  I think, to  
27               me, it does place on record the pilots' understanding  
28               that the pilotage fund is not a matter of being the  
29               property of individual pilots or even the pilots  
30               collectively until after all expenses are paid.







1 But your lordship and the Commissioners will  
2 be able to assess that for themselves.

3 MR. JACQUES: I would like to file these  
4 documents as Exhibit 1183.

5 ---EXHIBIT NO. 1183: Bundle of documents entitled  
6 "Correspondence exchanged with  
7 respect to the creation of  
8 a surplus account for the  
9 building of a new pilot boat  
10 in Sydney in the year 1940".

11 THE WITNESS: This question is tied in with  
12 question 11, Mr. Jacques -- what happened to the  
13 \$20,000.00 placed in this Undivided Surplus Account.

14 MR. LANGLOIS: Should that read \$40,000.00  
15 instead of \$20,000.00?

16 THE WITNESS: There was another \$20,000.00  
17 placed aside in the following year for the same purpose.  
18 This money was used for the purpose intended.

19 MR. JACQUES, Q: In Captain Ryan's evidence,  
20 volume 32, pages 3607 and 3608, there is a reference  
21 to a second payment into the Undivided Surplus Account?

22 A. Yes.

23 Q. The new boat, according to that evidence,  
24 cost \$38,000.00 and there is a statement that it was  
25 paid out of these "two deductions," so that there must  
26 have been amounts laid aside in two subsequent years.

27 A. Yes; and I am quite sure that if it  
28 cost \$38,000.00 anything that was left, I am quite sure,  
29 went back into the pilotage fund, because it wasn't  
30 put into the general account. This Undivided Surplus  
Account was kept separate for that purpose.

Q. The next question concerns the





1 interpretation of section 6 paragraph 1 of the Sydney  
2 by-laws. I might read this sub-section:

3 "The payment of the pilotage  
4 dues as set forth in this Schedule  
5 is compulsory for all vessels  
6 of over one thousand tons, or  
7 that are not exempted by the  
8 Act or by the by-law."

9 THE WITNESS: This, my lord, is merely a general  
10 statement. This is not the operative law on the matter  
11 of compulsory payment, because that is contained in the  
12 original order-in-council which says that the district  
13 is one in which the payment of pilots dues is  
14 compulsory. We would not word this this way. But, in  
15 any case, it must be read, as I say, as merely a general  
16 statement that all ships not exempted must pay pilotage  
17 dues..

18 This section must be read in connection with  
19 sections 346 and 347 of the Canada Shipping Act. Section  
20 346 sets out the classes for ships exempt from the  
21 compulsory payment of pilotage dues when a pilot is  
22 not employed. Section 347 provides for the modification  
23 of these exemptions; and paragraph 2 of by-law 6 makes  
24 these modifications.

25 Q. The Department in Ottawa and your local  
26 supervisor don't seem to see eye-to-eye on the  
27 interpretation?

28 A. I think we do now. I think there was  
29 some misunderstanding; and it was suggested to Captain  
30 Parker that this applied to foreign ships as well; and





1 this is not provided for; we cannot exempt foreign  
2 ships over 250 tons. So I think that whatever misunder-  
3 standing there was no longer exists.

4 I may say that the charges have been made --  
5 that this misunderstanding has not given rise to any  
6 erroneous charges.

7 Q. May I read Captain Parker's evidence in  
8 volume 32, pages 3712 and 3713, and I quote:

9 "As I understood it, this  
10 section 6(1) exempts British  
11 vessels of less than one thousand  
12 tons from compulsory pilotage..."

13 A. Will you give me the number again?

14 Q. At page 3712 -- the bottom of page 3712.

15 A. Thank you.

16  
17  
18  
19 --

20  
21  
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30 --







1 Q. I believe in re-reading the section that  
2 some officials of the Department believed that that  
3 also exempted foreign vessels, which view I do not take  
4 nor do the pilots. That is to say we believe that all  
5 foreign vessels entering this port should pay pilotage  
6 regardless of the size.

7 A. This is quite correct. We would endorse  
8 Captain Parker's understanding of that completely.  
9 Whatever was said at that time, I don't know and by  
10 whom but there was somebody wrong.

11 MR. LANGLOIS: Section 6 has been revoked and  
12 replaced since.

13 THE WITNESS: Yes.

14 MR. LANGLOIS: On February 6th, 1964.

15 THE WITNESS: This is the latest amendment,  
16 my lord, which was made in 1964, order-in-council  
17 P.C. 1964-191 dated 6th February, 1964.

18 MR. JACQUES, Q: It covers many things but  
19 for the purposes of the present question, does it  
20 affect the position with respect to vessels of less than  
21 one thousand tons?

22 A. No, it was not intended to. The wording  
23 of paragraph 1 is improved we thought by changing  
24 it to this:

25 "Subject to sub-section (2),  
26 (3) and (4), pilotage dues, as set  
27 forth in the schedule shall be paid  
28 in respect of all vessels that are  
29 not exempted by the Act or by  
30 the by-law".





1 This is just a general section.

2 Q. Sub-section 2 of the new section 6,  
3 vessels not exceeding 250 tons, registered tonnage are  
4 exempt from the payment of pilotage dues. Was the  
5 insertion of that sub-section necessary in view of the  
6 context of sections 346 and 347 of the Act?

7 A. Yes, because section 346 does not give a  
8 blanket exemption on ships under 250 tons. Section  
9 346(c) is one of the exemptions:

10 "Ships of such description  
11 and size not exceeding 250 tons,  
12 registered tonnage, as the  
13 pilotage authority of the district,  
14 with the approval of the Governor-in-  
15 Council, from time to time determines  
16 to be exempt from the compulsory  
17 payment of pilotage dues in such  
18 district."

19 MR. LANGLOIS: At whose request was this new  
20 subsection added? Was there any request by somebody?

21 THE WITNESS: Not as far as I know. This is  
22 the legal people who improve these things.

23 MR. LANGLOIS: Was it an improvement? Were  
24 the pilots consulted on this addition?

25 MR. JACQUES: If I might say, would you prepare  
26 an answer to those questions, please.

27 THE WITNESS: I think we had better.

28 MR. JACQUES, Q: It might be done this  
29 afternoon after the luncheon adjournment. There are  
30 two questions, are there?





1 A. May I ask just what is the question.

2 Q. We want to know how the amendment was  
3 brought about, at whose request.

4 MR. LANGLOIS: There are three questions. At  
5 whose request, and were the pilots consulted, and was  
6 it an improvement.

7 THE WITNESS: I think that particular sub-  
8 section was merely incidental but the main thing of this  
9 was paragraph 4 which provides the reduction in the  
10 pilotage payments made by Dosco Ships. However I had  
11 better get something more definite on this.

12 MR. JACQUES, Q: If you please. The next  
13 question is of a general nature and refers to the extent  
14 of the authority of the local supervisor.

15 A. I have nothing to add to this from what  
16 has been said before.

17 Q. Question No. 6 refers to the transfer of  
18 accounts from Ottawa to Sydney.

19 A. The accounts were transferred from  
20 Ottawa to Sydney in 1950. Prior to that the bills were  
21 collected by the Collector of Customs who forwarded the  
22 revenue to the Treasury Branch of the Department of  
23 Transport.

24 In March 1950 the by-laws were amended to  
25 have the Sydney pilotage fund deposited in Sydney and  
26 disbursed by the District Supervisor who then also  
27 collected the revenue. This system had already been  
28 instituted successfully in other districts.

29 Q. What was the reason for the change?

30 A. This was a conceding by the Department of







1 the fact that pilots had an interest in the expenditures  
2 out of the fund. This was quite reasonable. Whatever  
3 is spent out of the pilotage fund does affect what is  
4 left to be divided among the pilots and the Department  
5 felt that they should be aware of what is being done  
6 and there were difficulties in this; under the system  
7 that existed then because it was handled by the  
8 Treasury Branch in the Department and this was causing  
9 a bit of ill-feeling, I recall.

10 That is the way, in an effort to improve  
11 relations, if you like, with the pilots and have the  
12 fund transferred to the districts so that the local  
13 pilots committee could be au fait with the expenditures  
14 that were being made out of the fund.

15 THE CHAIRMAN: The original concept was that  
16 the authority was supposed to be local. That is the  
17 rule.

18 THE WITNESS: Yes, my lord.

19 THE CHAIRMAN: And then the local commissioners  
20 could be replaced by the Minister as an exception but  
21 that doesn't change the Minister. He is just there  
22 as a local authority. He does not become the central  
23 authority.

24 THE WITNESS: This is so, my lord. He is  
25 represented there ideally by the Supervisor of Pilots.

26 THE CHAIRMAN: Transferring the moneys to  
27 Ottawa was only a means of administration. That is  
28 all.

29 THE WITNESS: I think, my lord, when the  
30 Minister of Marine and Fisheries of that day became





1 the pilotage authority for these three main districts  
2 down there, I think it was felt that there should be a  
3 professional over-seeing of the fund and custody of the  
4 money and expenditures out of the fund and we think and  
5 we still think this was an improvement. It has  
6 brought the Pilot Committee and through them the pilots  
7 more closely into the picture. Sometimes they do not  
8 always agree with what is being done but they are aware  
9 of it at the time.

10 MR. JACQUES, Q: When the expenses were paid  
11 by the pilotage fund was the salary of the supervisor  
12 and his assistants paid out of that fund?

13 A. No, this was excepted by the by-law. It  
14 was except the salaries of the superintendent, as they  
15 called him, and his clerical staff.

16 Q. If the principle is that pilotage expenses  
17 must come out of the pilotage fund, what was the reason  
18 for the exception?

19 A. I am not able to answer that question.  
20 This was a matter of decision of policy at that time  
21 which of course we still adhere to, except on the  
22 Great Lakes, but you can go a little further on the  
23 Great Lakes. The headquarter staff salaries and  
24 expenses are not paid out of pilotage earnings even on  
25 the Great Lakes.

26 Q. The next question is No. 7 and refers to  
27 an increase in the rates in 1960 and changes in the  
28 level of exemptions. Apparently from the evidence  
29 we have had in volumes 31, 32 and 33, nobody was  
30 consulted.





1 . That is not just right. In 1960 these  
2 Sydney pilots were brought in line with those in Halifax  
3 by returning to small coasting vessels the exemptions  
4 from pilotage payment provided in section 346 of the  
5 Act.

6 They had been required to pay two-thirds of  
7 the rate when they did not employ pilots. This was  
8 reduced to one-third.

9 Now, at the same time the rates were increased  
10 to provide, about 5 per cent, which was calculated to  
11 recompense the pilots for this change. Now, we knew  
12 the reaction of the Shipping Federation to this. It  
13 was useless to ask the Shipping Federation or Dosco if  
14 they minded paying 5 per cent more for this so in this  
15 case we did not ask the Shipping Federation but the  
16 pilots were aware of it and the local supervisor wrote  
17 and said that the pilots had no objection to this  
18 because 5 per cent was recompensing them for it.

19 Q. I should like to quote from Captain Ryan's  
20 evidence, volume 32, page 3614, being examined by Mr.  
21 Langlois, at the bottom of the page. I will read the  
22 following questions and answers:

23 "Q. Was this increase of 5 per  
24 cent, the last one, requested  
25 by the pilots?

26 A. No, sir.

27 Q. Were they consulted?

28 A. I wouldn't say so much we  
29 were consulted. We were  
30 informed that it was being







1 considered. We were not  
2 consulted. As a matter  
3 of fact it was two or three  
4 days before the pilots knew  
5 about it, that it was dated  
6 in Ottawa before the pilots  
7 learned of it."

8 A. This is very strange to us, my lord,  
9 because Captain Parker, the local supervisor was right  
10 in this discussion. We had to get him the amounts  
11 that were involved, the amounts that would be losses  
12 to the pilotage fund by this measure, how many ships  
13 there were of this size and so on. All this was  
14 discussed with Captain Parker and there is a letter, I  
15 am quite sure, from him in which he said that the  
16 pilots have no objection to this measure. This is a  
17 case of understanding the term "consulted" again.

18 MR. LANGLOIS: Would there be any objection  
19 to the filing of this letter, Captain?

20 THE WITNESS: Not if I can find it, no.

21 MR. LANGLOIS: Later on.

22 THE WITNESS: Yes, I will make a note of that.

23 MR. JACQUES: We may as well give it a number  
24 now.

25 THE SECRETARY: Exhibit 1184.

26 MR. JACQUES: A letter from Captain Parker to  
27 the superintendent in Ottawa.

28 THE WITNESS: In which he said that the pilots  
29 had no objection to this measure.





1 ---EXHIBIT NO. 1184: A letter from Captain Parker to  
2 the superintendent in Ottawa.

3 THE CHAIRMAN: This may be a case of the  
4 failure of decentralization.

5 THE WITNESS: It is possible. I hardly think  
6 so because I think that Captain Ryan will agree that  
7 Captain Parker works pretty closely with the Pilot  
8 Committee and the pilots committee usually knows what  
9 is going on.

10 MR. LANGLOIS: Was this increase requested for,  
11 Captain, and if so, by whom?

12 THE WITNESS: Oh yes. There were most  
13 violent complaints by the owners of small vessels at  
14 this impost, as they call it, I recall especially, and  
15 they were threatening they were going to have to put --  
16 I don't know how many -- men out of work because of  
17 this because they were going to stop this.

18 I would like to -- this is relevant -- I would  
19 like to file a letter which I saw on the file this  
20 morning. I did not have time to copy it. This was  
21 a letter from Mr. Himmelman of -- I forget what the  
22 name of the company is -- the Okay Services Company.  
23 I would like to file this letter to show the strength  
24 of the objections to this compulsory payment of pilotage  
25 dues for the coasting vessels.

26 MR. JACQUES, Q: So the changes in 1960, as  
27 it were, were initiated by complaints from small  
28 vessel owners?

29 A. This is correct.

30 Q. You devised changes which would exempt





1 the small vessels and yet which would not reduce the  
2 income of pilots.

3 A. This was correct. This is a measure  
4 which accorded to the small vessels some relief from  
5 this compulsory payment of dues when they did not want  
6 to use a pilot but at the same time the pilotage fund  
7 was made up to what it would have been if there had  
8 been no change made by this increase of 5 per cent in  
9 the tariff.

10 MR. LANGLOIS: Was there only one company  
11 complaining?

12 THE WITNESS: I think this was one at the time  
13 which raised -- brought the matter to a head. I think  
14 we can possibly find on the files other objections over  
15 the years to this. After all, this is a coastal  
16 passage in Canadian waters which was being closed to  
17 these Canadian small vessels unless they paid a toll  
18 and this is a question which I have no doubt the  
19 Commission would look at very closely but there could  
20 be arguments all the way around, whether this is the  
21 correct thing or not. I do not think I need to ---

22 THE CHAIRMAN: Does this apply to Sydney?

23 THE WITNESS: It doesn't apply to Sydney.  
24 Yes, it did. It applied to Sydney and to Bras d'Or Lakes,  
25 which was in the same letter.

26 You see, Sydney was -- the impost if you call  
27 it was was two-thirds whereas in Halifax it was only  
28 one-third. There were arguments in that regard.

29 MR. LANGLOIS: How does the exemption as  
30 set up in Sydney compare to the one in Halifax in regard







1 to the coastal trade?

2 THE WITNESS: This was different, Mr. Langlois.

3 In Halifax ships ---

4 MR. JACQUES, Q: You may refer to your  
5 by-law if you wish.

6 A. The Halifax by-law in 1961 exempted all  
7 steamships registered in any of Her Majesty's Dominions  
8 -- I am sorry, did not exempt them but withdrew the  
9 exemption from those -- "all steamships registered in  
10 Her Majesty's Dominions other than steamships registered  
11 in Canada under one thousand tons and employed in the  
12 voyages specified in section 346(e) of the Act shall,  
13 unless such steamship be exempted under the said Act,  
14 pay pilotage dues at the rates prescribed in Schedule  
15 A, provided that steamships registered in Canada of  
16 one thousand tons and over and employed on such voyages  
17 shall, when pilots services are not accepted, pay  
18 such dues at one-half of the said rate. "

19

20

21 --

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1 It was one-half in Halifax in 1961. In 1963  
2 there was an agreement approved by Order-in-Council  
3 P.C. 1963-1659 of the 7th November, 1963, which re-worded  
4 it along this way:

5 "Notwithstanding paragraph (e)

6 of Section 346 of the Act,

7 (a) some ships registered in any  
8 part of Her Majesty's dominions  
9 other than home ships of less than  
10 one thousand tons registered in  
11 Canada and employed in voyages  
12 described in that paragraph shall  
13 pay pilotage dues at the rate set  
14 out in schedule A and

15 (b) some ships of one thousand  
16 tons and over registered in Canada  
17 and employed in voyages described  
18 in that paragraph shall when a  
19 pilot's services are offered and  
20 not accepted pay pilotage dues at  
21 one-half of the rate set out in  
22 schedule A".

23 I am sure your lordship fully understands the  
24 difficulty we have with the Privy Council lawyers. They  
25 seem to be unable to make things simple for us.

26 COMMISSIONER SMITH: Captain, just in connection  
27 with this same question, I have here Section 347 of the  
28 Act, which you are familiar with very well. Perhaps  
29 I had better read it for the record:

30 "Section 347 of the Canada





1 Shipping Act grants power of  
2 pilotage authority with approval  
3 of the Governor-in-Council to  
4 withdraw exemption that is  
5 provided for in sub-section (e)  
6 of 346, namely exempting some  
7 ships registered in any part of  
8 Her Majesty's dominions."

9 My question is this: Is that section  
10 frequently invoked in a general way?

11 THE WITNESS: This is the section under which  
12 these modifications are made, Mr. Smith.

13 COMMISSIONER SMITH: And generally speaking  
14 it is quite frequently invoked?

15 THE WITNESS: Well, it is not invoked in Saint  
16 John, New Brunswick or in British Columbia. It is  
17 invoked in almost every other district except now the  
18 Cornwall Pilotage District.

19 Yes, it is invoked in Cornwall district too.

20 COMMISSIONER SMITH: Thank you.

21 MR. JACQUES, Q: Do you say not in B.C.?

22 A. It is not invoked in B.C. The exemptions  
23 are as provided in Section 346, and similarly in Saint  
24 John, New Brunswick.

25 THE CHAIRMAN: That is right.

26 MR. JACQUES, Q: Because 347 is a withdrawal  
27 of the exemptions?

28 A. This is it. It is a modification.

29 THE CHAIRMAN: If you do not have anything to  
30 add on that we will adjourn for a few minutes.







1 THE WITNESS: Fine, sir.

2 ---Short recess.

3 ---Upon resuming.

4 MR. JACQUES, Q: Now question 8, Captain  
5 Slocombe, with respect to the pilotage station ---

6 A. The pilots' station was included in the  
7 assets sold to the Department of Marine and Fisheries  
8 in 1922 which was as shown by the document which I filed.  
9 Since that time all property has been the property of  
10 the pilotage authority.

11 Q. But there was some discussion over the  
12 sale and purchase of the new building and reference is  
13 made to that question in Captain Huntley's examination,  
14 volume 32, page 3547 to page 3550.

15 A. Yes. This is, as I said, part of the  
16 Department's conceding that the pilots had an interest  
17 in what was spent out of the pilotage fund. We have  
18 always leaned over backwards so that they did know  
19 what was going on.

20 In the case of this building the telegram  
21 here which was quoted in the evidence on page 3547 sought  
22 the agreement of the pilots to the acquisition of this  
23 building for approximately \$600.00. It was found that  
24 the final amount was a little more than this \$600.00.  
25 But the thing was that the pilots agreed to the  
26 acquisition of the building and the fact that it cost  
27 a little bit more -- this always happens.

28 Q. Was there any complaint then about the  
29 price which was to be paid?

30 A. Not that I know of.





1 MR. LANGLOIS: Correct me if I am wrong,  
2 Captain Slocombe, but I am instructed that this building,  
3 when it was bought from War Assets, the pilots agreed  
4 to a price of \$600.00 but they were later billed excess  
5 for the radiators?

6 THE WITNESS: This is as explained in the  
7 evidence as I see here. There was a letter from the  
8 Acting Director of Marine Services which read this  
9 way:

10 "I refer to your telegram of  
11 the 3rd April in which you advised  
12 that the pilots were agreeable to  
13 the purchase of the building now  
14 occupied by them at Swivel Point  
15 at a cost of \$600.00.

16 The Department has now been  
17 advised by the War Assets Corporation  
18 that the listed price of \$600.00  
19 given at an early date was for the  
20 building without plumbing, electrical  
21 work, etc., and that the price  
22 including these would be \$757.44.  
23 Please advise by wire if the higher  
24 price would be agreeable to the  
25 pilots and if the amount would be  
26 paid out of pilotage earnings."

27 I point out, my lord, this is leaning over  
28 backwards because the pilotage authority did not have  
29 to ask the pilots if this amount might be paid out of  
30 earnings. He was responsible for it, the pilotage





1 authority, and if the building was to be acquired, then  
2 the price had to be paid. However, I am quite sure  
3 an agreement did come.

4 MR. JACQUES, Q: At that time the \$4,500.00  
5 ceiling existed? That was in 1946?

6 A. No, the ceiling was no longer there in  
7 1946.

8 MR. LANGLOIS: Sometime during the war it  
9 was taken off?

10 THE WITNESS: This is right. This was after  
11 the time I mentioned before.

12 MR. JACQUES, Q: But coming back again to the  
13 letter from which you have been quoting, you had  
14 requested to be advised by telegram if the pilots were  
15 agreeable?

16 A. Well, I do not know whether I can find  
17 such a telegram now, but I am quite sure that agreement  
18 was reached because there was nowhere else that this  
19 money could have been obtained other than the pilotage  
20 fund at that time.

21 MR. JACQUES: I see.

22 MR. LANGLOIS: How come that the plumbing was  
23 excluded from the price?

24 THE WITNESS: This, my lord, was the price  
25 that was given us by War Assets Corporation at that  
26 time. I could not explain why. It is just an error  
27 on somebody's part evidently. But I repeat that this  
28 little extra amount made no difference whatsoever to  
29 it; it was still a cheap building, far cheaper than  
30 if they decided to build something, I am sure.







1 THE CHAIRMAN: If it was something that  
2 was going to be dismantled I recall that there were  
3 various places where the plumbing was sold separately  
4 from the other.

5 THE WITNESS: When we gave the price, when we  
6 got the price of \$600.00, we evidently did not know that  
7 the plumbing was not included, that it was not an all-  
8 inclusive price. This was something we learned  
9 afterwards.

10 MR. JACQUES, Q: If we might read on, at  
11 page 3548 reference is made to an Order-in-Council of  
12 December, 1949, concerning the advance of \$5,000.00  
13 made to the pilots for the removal of the station?

14 A. This is loose language which was  
15 employed at that time. This advance was to the Sydney  
16 pilotage fund for this purpose.

17 Q. Out of public funds?

18 A. Out of public funds. And this was quite  
19 frequently done in all the districts. When a large  
20 expenditure was to be incurred the pilotage fund was  
21 advanced an appropriate amount in order to pay the  
22 price and the public funds were recouped as convenient  
23 to the pilotage fund.

24 Q. If I might read from Exhibit 1165, the  
25 notes concerning Sydney, I quote:

26 "The pilots were advised by  
27 letter of February 15th, 1950 that  
28 the Department will continue as in  
29 the past to advance moneys for the  
30 payments to pilots when revenues are





1 not sufficient to cover expenditures  
2 and that the Department will provide  
3 loans free of interest when required.

4 The Department actually provided  
5 interest-free loans continually for  
6 a number of years to the pilots in  
7 this district and also to the  
8 pilots in Halifax and Saint John,  
9 New Brunswick, but this was  
10 discontinued in 1959."

11 A. This was another thing, my lord. This  
12 was the amount which I mentioned before in previous  
13 evidence last week. It was an amount in order to  
14 provide for remuneration for the pilots for the first  
15 months of the fiscal year after the pilotage fund had  
16 been closed as of the end of the previous fiscal  
17 year.

18 Q. So it is not the same loan as is mentioned  
19 in the Order-in-Council of December, 1949?

20 A. No, this is another thing altogether.

21 MR. LANGLOIS: As a matter of curiosity,  
22 under what authority would these loans or advances be  
23 made? Is there a special item in the budget, in the  
24 estimates of the Department for that?

25 THE WITNESS: Yes. I think, if I recall, Mr.  
26 Langlois, we had in the estimates specifically mentioned,  
27 "Including advances to pilotage districts."

28 MR. JACQUES, Q: In the Appropriations Act?

29 A. In the estimates of the Department of  
30 Transport, which were of course approved by Parliament.





1 Q. The next question concerns the conflict  
2 of opinion on the district limits.

3 A. Could you give me that reference in the  
4 evidence, Mr. Jacques, because I do not know of any  
5 conflict about the limits.

6 Q. Volume 31, page 3350 and 3351.

7 A. In my copy this is changed to 3530 and  
8 3531.

9 COMMISSIONER SMITH: I have a quote here,  
10 Captain. This is from the evidence of Captain Huntley,  
11 and this is what the notes say. It says:

12 "The district extends six  
13 miles seaward from a line from  
14 Swivel Point to McGillivray Point,  
15 but that there is some confusion  
16 and difference of opinion as to  
17 whether it includes all the  
18 waters or just in line from  
19 Swivel Point out; Swivel Point to  
20 McGillivray Point is six miles."

21 THE WITNESS: This, my lord, follows on what  
22 I said last week about district limits. If you will  
23 look at the wording of the by-law, the by-laws at that  
24 time, or before a certain date which I cannot pin down  
25 at the moment, used to say: "The limits of the pilotage  
26 district of Sydney shall be inside a line drawn from  
27 Swivel Point to McGillivray Point and six miles to  
28 seaward."

29 This to me is complete gobbledegook. If you  
30 are discussing this as a line limiting an area, this I







1 think bears out what I said last week, that what is  
2 being described here is the area in which approximately  
3 the pilot boat may be expected to be met.

4 MR. JACQUES, Q: Yes, but the problem I might  
5 refer you to is on page 3543 of volume 32, and I should  
6 like to read from that page. I made reference to P.C.  
7 1955/1855 which was revoked. This P.C. was replaced  
8 by general by-law of Sydney which defined the district  
9 as follows: In Section 2 subsection (e) the word  
10 "district" means the pilotage district of Sydney,  
11 Nova Scotia, which comprises the navigable waters inside  
12 a line drawn from Swivel Point to McGillivray Point  
13 and the waters six miles from seaward of such  
14 line.

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1 Q. However, later on this definition was  
2 replaced by the following one in the present by-law,  
3 and I quote:

4 "The pilotage district of  
5 Sydney, Nova Scotia, as defined  
6 by the Governor-in-Council  
7 pursuant to section 324 of the  
8 Act."

9 A. Yes. This description of the district  
10 has been dropped out of all the by-laws because this  
11 is not the appropriate place for it. The district  
12 is defined under section 324.

13 THE CHAIRMAN: Under a separate Order-in-Council?

14 THE WITNESS: Yes; and usually when a district  
15 is made in the first place the limits are set out.

16 THE CHAIRMAN: The same thing with the  
17 pilotage authority -- it is not in the by-law; it is  
18 a separate Order-in-Council?

19 THE WITNESS: Yes, this is right. The  
20 definition, or the law making of setting the limits  
21 of a district -- the place for it is not in the by-laws  
22 of the pilotage authority. He has not the power to  
23 set the limits of his district; so as a tidying-up  
24 legally this was dropped out of the by-laws.

25 MR. JACQUES, Q: Yes, I quite see that; but  
26 what is the definition of the Sydney district now?  
27 There was a P.C. in 1955 which defined the district.  
28 It was abolished. Well, I shouldn't say "abolished".  
29 It was abrogated, or replaced.

30 A. You mean there was an Order-in-Council





1 of that date setting the district, or is this a by-law?

2 My lord, we have been searching for the  
3 original by-law setting the district, and I haven't been  
4 able to find it yet.

5 Q. I can give you the reference. It is  
6 an Order-in-Council dated 9th April, 1874, and the  
7 limits are described as follows:

8 "Embracing all ports, bays,  
9 harbours and coasts situated  
10 between Cranberry Head on the  
11 northern side of Sydney harbour  
12 and the southern head of  
13 Cow Bay in the said County of  
14 Cape Breton."

15 A. That is obviously not -- there must have  
16 been an amendment of this order-in-council since that  
17 date.

18 Q. And these were the limits as stated by  
19 the Department in Exhibit 1165.

20 THE SECRETARY: Those are the notes of the  
21 district.

22 THE WITNESS: Could I see that one, Mr. Jacques?

23 THE CHAIRMAN: On this question, I would  
24 prefer that this be looked up either at noon or tonight.

25 THE WITNESS: It might take a little longer  
26 than that, my lord.

27 I can see that there may be something lost  
28 in antiquity here that makes us wrong. But this is  
29 not a practical question. I don't know what hangs on  
30 this.







1 MR. JACQUES, Q: The thing which hangs on  
2 this is whether the Department, in adopting and  
3 revoking orders-in-council, might not have forgotten  
4 one.

5 A. My lord, this is quite conceivable.

6 Q. With the result that there would be  
7 no limits to the Sydney pilotage district, and with the  
8 further consequence that compulsory payment -- could it  
9 be imposed if there is no district limit? That is  
10 the practicality of the question.

11 A. My lord, I am quite sure that unless  
12 Mr. Jacques found it nobody else would think of it.  
13 But we will look into this and see whether we can find  
14 the order-in-council which did set the present limits  
15 as we know them.

16 THE CHAIRMAN: In the transcript we will be  
17 studying the districts and we will have to have that.  
18 This is one of the questions that we will be putting  
19 in our report, as to what are the district limits.

20 THE WITNESS: I may say that we have, perhaps,  
21 taken it for granted that these limits, which have  
22 been the limits in the by-law for so long, were the  
23 original ones, which were made by Order-in-Council  
24 away back.

25 MR. JACQUES: I have just noted that Captain  
26 Mathewson has made hurried notes, and he might claim  
27 those pilotage dues!

28 The next question is question No. 10 ---

29 THE CHAIRMAN: There are two questions which  
30 I mentioned and they are not mentioned here, as to





1 whether there have been any changes in the by-laws since.  
2 They might come first, or, otherwise, they could be  
3 in the next order -- as to whether there is any change  
4 in strength, and so on.

5 MR. JACQUES: The next question is Question  
6 10, the basis for determining the number of pilots,  
7 and reference is made to volume 32, pages 3561 and  
8 3562.

9 A. And what is the question, Mr. Jacques?

10 Q. Captain Parker made some statements  
11 with respect to the number of pilots which should be  
12 available, and there was the question:

13 "The number of pilots on  
14 strength, is the number being  
15 determined with a view to being  
16 able to provide pilots on all  
17 of these ships if they are  
18 required?

19 A. Yes, pilots could be  
20 required -- pilots could be  
21 supplied from our present ---"

22 which implies that the pilotage strength in Sydney is  
23 not necessarily a sufficient number of pilots to provide  
24 ships which take pilots but it is a sufficient number  
25 of pilots to provide ships which not only take pilots  
26 but which are subject to compulsory payment of  
27 pilotage dues; and this is rather important in view  
28 of the C.N.R. ships which ply in and out of Sydney  
29 at regular intervals and don't take pilots. Are there  
30 a number of pilots maintained to provide service to





1 these ships?

2 A. No; the number of pilots is not worked  
3 out on that basis. The number of pilots at Sydney at  
4 present is merely a continuation or result of a large  
5 number of pilots that were required in the wartime  
6 period; and we feel that there are many more than are  
7 actually required. This is a matter for argument;  
8 but this is the feeling -- that the work of the  
9 district could be performed by a smaller number. But  
10 it has never been the policy of the Department just  
11 to withdraw the licences of pilots.

12 COMMISSIONER SMITH: On this point, captain,  
13 the supervisor, in answer to Mr. McNeil, who was  
14 representing Glassco, said that the minimum number of  
15 pilots who could serve the Board efficiently would  
16 be ten. The list I have here contains the names of  
17 thirteen. It is the list of February 14th, 1963. I  
18 don't know if there has been any change since then or  
19 not. There were thirteen on that list.

20 THE WITNESS: There were thirteen then, Mr.  
21 Smith?

22 COMMISSIONER SMITH: Yes; February 1963 --  
23 over a year ago.

24 THE WITNESS: Yes, Mr. Smith, there has been  
25 a reduction of three since that time -- pilots who  
26 went over the 65.

27 MR. LANGLOIS: If I may interject, in  
28 connection with the remark made by Mr. Jacques regarding  
29 the C.N.R. ships not using pilots, it is a fact that  
30 they do occasionally use pilots apparently when they go









1 to North Sydney, when they go to the dock head, and  
2 also their chartered ships use on occasion the services  
3 of pilots.

4 THE WITNESS: We are aware of that; and I don't  
5 think anybody argues that the present staff is not  
6 sufficient to take care of the work that is required.

7 THE CHAIRMAN: Do you mean the present staff  
8 of pilots is not sufficient ---?

9 THE WITNESS: I don't think anybody would  
10 argue that it is too few.

11 COMMISSIONER SMITH: The supervisor said that  
12 would be the minimum.

13 THE WITNESS: This is the supervisor's  
14 opinion as to the minimum required if they follow the  
15 same practice as they do now of a week on and a week  
16 off. This is the present set-up. He says that ten  
17 is the minimum required.

18 MR. LANGLOIS: I am instructed by my clients  
19 that this is, and this is a strike minimum, though.

20 MR. JACQUES, Q: Then, question 11 has been  
21 answered already, and question 12: There was reference  
22 made to preferred rates in favour of Dosco some years  
23 ago. I refer to volume 32, page 3613.

24 A. Yes, my lord. Apparently in the old  
25 days it was considered expedient to provide a special  
26 rate for good customers; but the special rate for  
27 Dosco was washed out after the Audette Committee's  
28 report.

29 Q. As a consequence of the committee's ---

30 A. As a consequence of the recommendations





1 of the Audette Committee.

2 THE CHAIRMAN: I have seen something like that  
3 in the Smith Report of the year 1894 -- they mentioned  
4 a few companies who were receiving favoured treatment.

5 THE WITNESS: Yes; and I may say that in some  
6 districts, as we have seen in Newfoundland in the old  
7 days, they made special rates for people who came in  
8 often, even when they used pilots. This is also  
9 correct that they used pilots, I believe -- the Dosco  
10 special rates. But these were washed out after the  
11 Audette Committee's report.

12 MR. LANGLOIS: Following Captain Slocombe's  
13 remark, which is the answer to the question, I don't  
14 want to infer that Dosco had ceased to be a good  
15 customer, but I am informed that these special rates  
16 were abolished the year before the Audette Committee's  
17 report came out -- in the year 1948, whilst the  
18 Audette Committee's report came out in 1949.

19 THE CHAIRMAN: That is right.

20 THE WITNESS: My memory is not good on that.  
21 I think that in my survey of 1947 I referred to it,  
22 and perhaps we did anticipate the Audette Committee's  
23 report. I would have to look that up.

24 THE CHAIRMAN: That is all right.

25 THE WITNESS: Anyhow, I think the agreement was  
26 that these ships were competing with commercial  
27 vessels and that they shouldn't have any special rights  
28 over other commercial vessels.

29 MR. JACQUES, Q: Question 13, I believe,  
30 has been answered already.





1 MR. LANGLOIS: The treatment being given to  
2 the C.N.R. today -- could it be considered special  
3 treatment?

4 THE WITNESS: Yes; this has been as the  
5 result of a later development.

6 COMMISSIONER SMITH: For the record, there  
7 are a couple of matters I would like to bring out here  
8 from this witness. In Sydney, Captain, there was a  
9 letter from the Shipping Federation of Canada to the  
10 Deputy Minister of Transport, written on July 4th,  
11 1960, in which they protested the pilotage authority  
12 agreeing to increases in the Sydney pilotage tariff  
13 without having given the Federation prior notice.  
14 Have you any observation on that?

15 THE WITNESS: This is the case we were speaking  
16 about a few minutes ago, Mr. Smith. Question No. 7  
17 was why Dosco or the Shipping Federation or the pilots  
18 were not consulted on the increase in rates in 1960 and  
19 the level of the exemptions. Well, in this case we  
20 did not ask the Shipping Federation if they would  
21 agree because we knew already what their answer would  
22 be; but the pilots were made aware of what was  
23 happening.

24 MR. LANGLOIS: This was to save them the  
25 trouble of saying No again.

26 COMMISSIONER SMITH: There is another matter  
27 which has been already covered, and I don't want to go  
28 into a repetition of it, but I think it might be  
29 helpful to have it on the record here in this Sydney  
30 inquiry: I believe the variations in tonnage of certain









1 ships in the application of the tariff down there -- and  
2 I will read this from the record. Reading from the  
3 evidence of the supervisor, he said:

4 "There is one ship coming  
5 into Salsbury with a claim of  
6 16,000 net tons which carries  
7 12,000 tons cargo. One ship,  
8 the GOLFO di GENOVA with gross  
9 tonnage of 7,802 reported a net  
10 of 1,906, which should be  
11 4,000 at least."

12 Then he goes on to speak about the measurement of the  
13 ship and the length and other particulars.

14 Now, I know that you have covered to a degree,  
15 at least, this matter before, but have you anything  
16 further to add in connection with these discrepancies?

17 THE WITNESS: No; except that this is  
18 inherent in the basis of computation on tonnage. As  
19 long as in the computation of tonnage this is one  
20 of the factors, or is the whole factor, then we will  
21 have these discrepancies.

22 This particular ship you are speaking of,  
23 the GOLFO di GENOVA, has a side tank specially  
24 constructed for ore; the ore, of course, is very  
25 heavy and it doesn't fill the holds, and the cargo is  
26 constricted between these two bulkheads in a central  
27 compartment, as you might say. But the side tanks,  
28 under the registry, are not counted in the tonnage.

29 This is one of the anomalies involved in the  
30 use of tonnage for pilotage dues. We can't hope to





1 change the tonnage, -- the measurement in tonnage  
2 practice all over the world for the sake of pilots, but  
3 we can eventually -- ultimately -- change the basis  
4 of dues to some other criterion -- some other basis --  
5 to get away from these anomalies.

6 COMMISSIONER SMITH: I have heard it said  
7 that the net tonnage of a ship is the ship's earning  
8 capacity.

9 THE WITNESS: Well, this is a very wide  
10 statement.

11 COMMISSIONER SMITH: I know, in the case you  
12 have mentioned, it certainly would not apply there.

13 THE WITNESS: They could say that because this  
14 was not a space which was used for cargo; only that  
15 space in between those bulkheads. But if this was a  
16 British ship they wouldn't exempt all these side  
17 tanks; there would be certain problems.

18 COMMISSIONER RENWICK: The side tanks -- these  
19 are sealed off permanently?

20 THE WITNESS: Yes; they were not used for  
21 cargo at all. However, the ship did carry the weight  
22 of cargo which it was specially constructed for; but  
23 it didn't require all the space.

24 MR. JACQUES, Q: Since the Commission was in  
25 Sydney in June, 1963, you have mentioned a change in the  
26 by-law. I think we have discussed that change; and  
27 you were to prepare evidence on how the new by-law  
28 was adopted. Are there any other changes in Sydney  
29 apart from the changes in the by-law and a reduction  
30 of the pilotage force by three?





1 A. Well, of course, as has been mentioned  
2 already, there is just one boat in Sydney now. We have  
3 moved one of the boats to St. Johns, Newfoundland;  
4 and there is this one amendment to the by-laws which  
5 was mentioned before; and the reduction of the number  
6 of pilots to ten.

7 Q. Through retirement?

8 A. Yes, through retirement.

9 THE CHAIRMAN: Through retirement prior to  
10 seventy years and after sixty-five?

11 THE WITNESS: That is correct.

12 MR. JACQUES, Q: Would you care to add  
13 anything ---

14 THE CHAIRMAN: Excuse me, would you have the  
15 amendment to the by-law filed as an exhibit also?

16 MR. JACQUES: I was going to suggest that  
17 we attach it to the original by-law.

18 THE CHAIRMAN: All right; so long as we know.

19 MR. JACQUES: And the Secretary of the  
20 Commission is keeping the Commission posted on this,  
21 and as they come out he obtains them and attaches them  
22 to the original by-laws.

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1 Q. Perhaps Captain Slocombe, you might  
2 tell us whether there is a pension fund in Sydney. I  
3 do not recall.

4 A. Yes, there is a pension fund. It is  
5 provided for in the by-laws, my lord.

6 Q. This early retirement, as it were,  
7 the retirement before seventy, how would that affect  
8 the pension fund? Is it obviously too heavy a drain with  
9 the result it might show a deficit?

10 THE CHAIRMAN: If you prefer, we could ask  
11 Captain Jones that.

12 THE WITNESS: Yes.

13 CAPTAIN JONES: If I may explain, my lord,  
14 the Sydney pension plan is and has been for many years  
15 in a solvent condition, which was at one time an abnormal  
16 exception to the general rule. They pay 16 per cent  
17 per year contributions -- at least contributions are  
18 made on behalf of the pilots to the extent of 16 per  
19 cent of the gross.

20 THE CHAIRMAN: Made on behalf of the pilots  
21 by the authority?

22 CAPTAIN JONES: Yes.

23 THE CHAIRMAN: Out of gross earnings?

24 CAPTAIN JONES: Out of the gross revenue of  
25 the district, yes. They have of recent years moved  
26 over to what the actuaries are pleased to call a  
27 "money purchase scheme". That is to say that the  
28 pension due each pilot as he retires is computed on the  
29 basis of the contributions he has made and from that  
30 at the end of each year a calculation is made as to





1 find out how much the increase of that particular year  
2 is to be credited to his account.

3 At the present time or very recently an  
4 actuarial valuation was made of the account and we  
5 find from increased investments and some savings in  
6 mortality there is some \$40,000.00 to be disbursed  
7 and credited to the account of each individual pilot  
8 arising from this valuation.

9 We have been in correspondence with the pilot  
10 and it is pretty well agreed upon the method by which  
11 the distribution will be made. This is of quite  
12 recent date and the matter has not been concluded yet.  
13 I think there are no contentious items outstanding  
14 whatsoever and as I have said, this is one of the  
15 better pension plans.

16 MR. JACQUES: I now recall, my lord, there  
17 was some evidence in regard to the purchasing of  
18 annuities by four pilots.

19 THE CHAIRMAN: So that the retirement of the  
20 two or three pilots would have no effect on the old  
21 system with regard to increasing liabilities.

22 CAPTAIN JONES: Under the old system, yes,  
23 where so much pension was allowed without regard to  
24 the arithmetic adequacy of the account but under the  
25 money purchase system, each pilot is credited with a  
26 specific amount which, should he elect to retire, at  
27 that particular date is adequate to commence payment  
28 of that sum.

29 THE CHAIRMAN: Thank you.

30 MR. JACQUES: I have no further questions for





1 Sydney, my lord.

2 MR. LANGLOIS: Regarding this reduction from  
3 two to one pilot boats in Saint John, was there not a  
4 question of personality involved because the boatmen  
5 were claiming they were working too hard.

6 CAPTAIN SLOCOMBE: This was part of the  
7 difficulty that were faced with with the system under  
8 which the boatmen worked; they claimed they were  
9 working too hard. It was very difficult to fit them  
10 into the prevailing rate regulations, the ships' crews  
11 regulations and we were not permitted to increase  
12 the staff, so what we did was to put them all on one  
13 boat so their hours of being on duty would be  
14 reduced.

15 We needed the boat in any case at another  
16 place and as far as we know, this is working all  
17 right.

18 CAPTAIN MATHESON: Mr. Jacques, may I ask  
19 Captain Slocombe a question? Why did the Department  
20 put into effect or approve the arrangement of a  
21 week on and a week off for Sydney pilots?

22 THE WITNESS: The Sydney pilots themselves,  
23 Captain Matheson?

24 CAPTAIN MATHESON: No. Why did the Department  
25 approve or give effect to that arrangement?

26 THE WITNESS: For the Sydney pilots themselves?

27 CAPTAIN MATHESON: Yes.

28 THE WITNESS: Well, the Department has not  
29 interfered in any local arrangements among the pilots.  
30 If they prefer to have this system rather than having









1 a strict turn, as it was in the St. Lawrence or ---  
2 For instance, we have not up to now found any reason  
3 to interfere with it as long as the ships are properly  
4 serviced in this way.

5 MR. JACQUES, Q: It might take fewer pilots?

6 A. It might. When the number of pilots  
7 is eventually reduced, then perhaps there might be a  
8 change. This, of course, is our contention, my lord,  
9 in the matter of the adequacy or inadequacy of the  
10 number of pilots. There is no doubt if there was a  
11 rotation system in effect instead of a week on and a  
12 week off, the traffic could be handled. It would not  
13 be as comfortable for the pilots but we are not at the  
14 moment thinking of reducing the staff any more.

15 COMMISSIONER SMITH: If your lordship pleases,  
16 there is one question I would like to ask the witness.  
17 I understand three pilots in Sydney have been retired  
18 since the Commission was there over a year ago and  
19 looking at the list at that time, this was in February,  
20 1963, there was one pilot sixty-four, one sixty-five  
21 and one sixty-six. In the retirement of those pilots  
22 was section 338 invoked? That is where the Authority ---

23 THE WITNESS: Yes, sir. This is the governing  
24 section in this matter.

25 MR. JACQUES, Q: But I believe what Mr. Smith  
26 wants to find out is whether they were retired because  
27 they could not pass their medical examination ---

28 COMMISSIONER SMITH: Exactly.

29 MR. JACQUES, Q: Or because of a step taken  
30 by the Authority not to renew regardless of the result





1 of the medical examination.

2 A. This is the ---

3 COMMISSIONER SMITH: What was the reason for  
4 their retirement, having in mind that Section which  
5 permits the Authority to extend providing they pass the  
6 hearing and eyesight and other medical tests.

7 THE WITNESS: Yes, Mr. Smith. As I gave in  
8 evidence last week when we were discussing this matter,  
9 there was one place where the authority invoked this  
10 section and the pilotage authority had to issue a new  
11 licence in these cases and this was directly tied in  
12 with the compulsory payment of pilotage dues for the  
13 Dosco ships.

14 COMMISSIONER SMITH: How was it tied in?

15 THE WITNESS: Because as the Commission has  
16 found that the revenue of the district consisted --  
17 about 40 per cent of the revenue of the district was  
18 for services which were not rendered and this made  
19 possible obviously or made desirable a reduction in  
20 staff.

21 COMMISSIONER SMITH: Yes, but I thought there  
22 was some statement made it was more or less automatic  
23 that a pilot, after he attained the age of sixty-five --  
24 I know he had to have some examinations, but if he was  
25 able to pass the examinations it was more or less  
26 automatic that he was extended -- his term was extended  
27 from year to year until he reached the age of seventy  
28 and then he was out.

29 THE WITNESS: I do not like the term "more  
30 or less automatic". It has been the practice in







1 late years that the pilotage authority has issued new  
2 licences from year to year until they either failed  
3 their medical examination or they reached the age of  
4 seventy but then during the war this practice was not  
5 followed for some time but in the St. Lawrence -- one  
6 or two of the districts in the St. Lawrence but, you  
7 are quite correct, normally it has been the practice  
8 of the Pilotage Authority to issue licences up to the  
9 age of seventy if the pilot was fit, but this was a  
10 case where the practice was changed. This is a matter  
11 of grace. I think it should be pointed out there is  
12 no compulsion on the pilotage authority to follow this  
13 practice or the other practice.

14 COMMISSIONER SMITH: No. Well, as I read  
15 section 338, it is permissible.

16 THE WITNESS: Exactly.

17 MR. LANGLOIS: Captain Slocombe, in Sydney,  
18 is it not a fact that in the case of one he was granted  
19 a new licence for a year but this period was chopped  
20 up to six months after a period of time; whilst in the  
21 case of the second one he was granted only a six months  
22 licence instead of one year?

23 My lord, in this respect, I think there was  
24 some discussion as to whether or not the Department was  
25 free to exercise its discretion for less than one year  
26 and if it did exercise its discretion, it should be  
27 for at least one year.

28 Was the authority allowed to exercise its  
29 discretion for a period of less than one year?

30 THE WITNESS: Our legal advice was this was







1 all in order.

2 MR. LANGLOIS: I am thinking of the discussion.  
3 I want to know if it was a fact that in the case of  
4 one pilot it was extended for one year.

5 THE WITNESS: Yes, that is correct.

6 MR. LANGLOIS: And then cut back to six months  
7 and the second one was ---

8 THE WITNESS: No, I am sorry. I don't think  
9 we cut anybody back after issuing the licence.

10 There was one had an extension for a year  
11 and there was another one who reached the age of  
12 sixty-five within six months of the same date. The  
13 point was that this was intended to -- these retirements  
14 were intended to coincide with this change in the  
15 by-laws for the Dosco ships.

16 MR. JACQUES, Q: The C.N. ships?

17 A. I am sorry, the C.N. ships.

18 MR. LANGLOIS: Would you mind checking? I  
19 don't doubt your word, Captain, but I know you are  
20 speaking from memory. Would you mind checking your  
21 files in the case of Pilot Vincent. He was the one  
22 who was extended for one year and cut back to six  
23 months.

24 THE WITNESS: We will check, Mr. Langlois.

25 THE CHAIRMAN: Is that all for Sydney?

26 MR. LANGLOIS: My lord, there is just one  
27 more question I forgot to ask Captain Slocombe.

28 Is it not a fact that some of the Bras d'Or  
29 lake pilots are dispatched sometimes from Sydney or by  
30 Sydney?





1 THE WITNESS: The Bras d'Or Lake pilots?

2 MR. LANGLOIS: Yes.

3 THE WITNESS: It is quite likely. If a  
4 message came to the Sydney pilotage office, the message  
5 would naturally be passed on.

6 MR. LANGLOIS: By the pilots themselves, I  
7 am told. Is that correct?

8 THE WITNESS: I wouldn't think the pilots  
9 would object to doing this if such a message came to  
10 them.

11 MR. LANGLOIS: This is an additional service  
12 they are providing.

13 THE WITNESS: Yes.

14 MR. LANGLOIS: Everything counts.

15 THE CHAIRMAN: So, as we are going to change  
16 now from Sydney to Bras d'Or and there is only twenty  
17 minutes to go to 1:00 o'clock ---

18 MR. LANGLOIS: I beg your pardon, my lord.  
19 Captain Ryan is here.

20 CAPTAIN D.F. RYAN, sworn

21  
22 DIRECT EXAMINATION BY MR. LANGLOIS:

23 Q. Captain Ryan, mention was made this  
24 morning of this change in February, 1964 in the by-laws  
25 of your district. Would you mind telling the  
26 Commission as to whether or not your local pilotage  
27 committee was consulted in this regard before the  
28 amendment was brought into force?

29 A. Yes. We were consulted on the proposed  
30 reduction on the C.N.R. ships but my memory recalls





1 we were not consulted --- we were informed of the  
2 reduction of these 250 ton ships that everything under  
3 250 tons would be exempt. I cannot recall any  
4 consultation on that.

5 Q. You were informed when, do you recall?

6 A. Well, as far as I can recall from  
7 memory when Captain Huntley came back from Ottawa, that  
8 is the first I heard of it. It was the latter part  
9 of December. I may be wrong on that. I cannot recall  
10 having any inclination before that that these 250  
11 ton exemptions would come in.

12 Q. Do you recall whether or not your local  
13 committee was provided with a draft of a proposed  
14 amendment to the by-laws?

15 A. As it stands now, sir?

16 Q. Yes.

17 A. I can't recall but we were -- we knew  
18 what was going to be in the by-law and we agreed with  
19 it, as far as the reduction on the C.N. ships and also  
20 we knew -- we were informed by Captain Huntley when  
21 he came back from Ottawa that this exemption on the  
22 250 ton ships would be included in the by-law

23  
24  
25 --

26  
27 --

28  
29  
30 --







1 Q. Now, would you care to comment on the  
2 evidence adduced this morning in regard to this  
3 personnel problem in connection with the manning of the  
4 pilot boats in Sydney?

5 A. Well, in 1960 the Department took over  
6 complete operation of the pilot boats and from then on  
7 the pilot boat crews were agitating, were claiming  
8 their hours of work were too long through their  
9 Federation. As we understand the Department of Labour  
10 agreed that their hours of work were too long and they  
11 had to have better working hours -- shorter hours.

12 To do that it would require three new men.  
13 The Department did not see fit to hire three men, so  
14 one boat was tied up and the crew of that boat was  
15 transferred to the one remaining boat, giving them three  
16 shifts. I may say by the way that the boat men  
17 up until that time worked the same shift as the pilots  
18 themselves and the Department of Labour considered they  
19 were working too long. But now our department informs  
20 us that we are not working enough, although we were  
21 working the same shift as they were.

22 Q. Have you anything else to add in  
23 connection with this problem about the pilot boats?

24 A. Well, up until now one boat has proven  
25 sufficient. It was only in December when they took  
26 the other boat off and that is our slack period.  
27 Shipping this spring has been fairly slack, so we have  
28 not felt the pinch of one boat as yet.

29 We also were granted -- what would you call it?  
30 (I was going to say "an increase") -- a lesser reduction





1 in tariff on the C.N.R. to cover taxi expenses that  
2 would have been incurred by having only one boat. That  
3 arrangement has been satisfactory to date.

4 Q. Mention was made also to the dispatching  
5 of Bras d'Or Lakes pilots to the Sydney pilotage  
6 district. Would you mind explaining what the situation  
7 is in this regard?

8 A. As you know, with our system of week on  
9 and week off we do our own dispatching. There are  
10 pilots at the pilot station all the time. On occasion  
11 we get messages from ships that are bound for Little  
12 Narrows or anywhere in the Bras d'Or district informing  
13 us of their E.T.A. Well, we just contact the Bras  
14 d'Or pilots and pass on the message. We do not object  
15 to doing that. As a matter of fact we are glad to  
16 do so.

17 But if our station was abolished we would  
18 not be there to dispatch ships and consequently the  
19 Bras d'Or pilots would be perhaps in the same pickle  
20 we would be with dispatchers.

21 It was suggested last year, possibly when it  
22 came up first, that our station was going to be  
23 abolished and that dispatching would be done from our  
24 office, pilot office, in daytime and at night and  
25 on weekends by the boat men. We objected to that for  
26 various reasons, because we figured a boat man, if he  
27 does an E.T.A. or an order for a ship, he would just  
28 call on the pilot concerned and tell him and he would  
29 not care if that order was for six hours ahead or  
30 twelve hours ahead, and you would never get in your







1 rotation.

2 Another thing they were suggesting was putting  
3 in an answering service in case the boat was out. On  
4 occasion our boat was out four or five hours, and that  
5 can happen fairly frequently during the summer. If a  
6 call comes into the answering service an hour after the  
7 boat leaves calling a pilot for a ship in an hour's  
8 time and the boat comes back four or five hours afterwards,  
9 the answering service would not be very effective because  
10 you would be ordered for a ship two or three hours  
11 before you got back to the boat.

12 Then the Department decided to continue the  
13 present operation as we have had it in the past of  
14 maintaining our pilot station. Of course that is  
15 satisfactory and is what we wanted to do -- to maintain  
16 it. That is being carried out at the present moment,  
17 although they said it would perhaps only be for a  
18 two-year period. What will happen then, I do not  
19 know.

20 Q. Now, Captain Ryan, since the Commission  
21 sat in North Sydney, at which sittings evidence was  
22 put forward by Dosco to the effect that the port charges  
23 were hurting shipping using this port, have there been  
24 any changes in these port charges besides the  
25 reduction that we know about in regard to pilotage  
26 dues in respect of C.N.R. vessels?

27 A. Well, the only change in port charges  
28 besides C.N.R. reductions has been a large increase  
29 in tow charges by Dosco -- practically 100 per cent  
30 increase.







1 Q. One hundred per cent over what?

2 A. It is now \$450.00. Last year it was  
3 \$242.00. To go back further, I may say that previous  
4 to the war Dosco's charge for docking a ship was  
5 \$35.00 and now it is \$450.00, which is about 1200  
6 per cent increase in docking charges. They maintained  
7 last summer in Sydney at the Commission hearings there  
8 that the high pilotage charges contributed to the  
9 excessive port charges, which we did not agree with  
10 at that time. But now when they see fit they double  
11 their rates and their increase since 1939 has been  
12 100 per cent and ours since 1939 has been 57 per  
13 cent.

14 MR. LANGLOIS: I have here, my lord, the  
15 new schedule of tug rates and conditions for the port  
16 of Sydney. May I have the witness file this, please?

17 THE CHAIRMAN: Yes.

18 MR. LANGLOIS: I have three copies.

19 THE CHAIRMAN: I think the tug rates were  
20 filed as an exhibit so this will be attached to the  
21 same one.

22 THE SECRETARY: 405, my lord.

23 ---ATTACHMENT TO EXHIBIT No. 405: Schedule of tug rates  
24 and conditions for  
25 the port of Sydney.

26 COMMISSIONER RENWICK: I am wondering, Captain  
27 Ryan, if this charge is largely interdepartmental as  
28 far as Dosco is concerned, this towing charge?

29 THE WITNESS: It is a Dosco matter, sir,  
30 stricly, but last spring at the Commission sittings in





1 Sydney they were complaining that pilotage rates  
2 tended to discourage business in the port, and now they  
3 have doubled their rates, which keeps port charges up.

4 COMMISSIONER RENWICK: My question is, is it  
5 not one department to another as far as Dosco is  
6 concerned? Are they not subscribing to their tug  
7 boat by burdening their production end?

8 THE WITNESS: It is a kind of three-way affair  
9 there. The Dominion Coal Company operated the tow boat  
10 this last winter. Their old tow boat petered out and  
11 they had to get a new one, so they chartered one. The  
12 Dominion Coal Company did not want anything to do  
13 with her and the Dominion Steel Company said they had  
14 to have a tow boat but they would not operate it so  
15 it should be taken over to Dominion Shipping. They  
16 said if they are operating the tow boat they were going  
17 to pay for it, so that is the reason for the increased  
18 charges on the tow boat.

19 COMMISSIONER RENWICK: Dominion Shipping?

20 THE WITNESS: The three of them are all tied.  
21 up, sir. I may add that some of the shipping companies  
22 have protested this tow boat charge and I was informed  
23 just before I came up here that Dosco is raising their  
24 freight rates on coal to up to 10 cents a ton to cover  
25 the cost of the tow boat -- that is, as far as the  
26 shipping companies are concerned. So in effect Dosco  
27 would be paying the increased tow boat rates by increased  
28 freight rates.

29 MR. LANGLOIS, Q: To complete your answer to  
30 the question by Mr. Renwick, is this Dominion Shipping





1 Company Limited providing tug boat services to all the  
2 companies other than those affiliated with Dosco?

3 A. Yes. It is the only tow boat in the  
4 port. That is the only tow boat service provided.  
5 When the ships come for bunker that is the tow boat; or  
6 any ship for any other purpose, that tow boat is used.

7 I may add that tow boat services now are  
8 compulsory at Dosco piers, whereas before it was  
9 voluntary.

10 Q. What would be the major users of these  
11 tug boat services besides Dosco?

12 A. Well, there would be some bunker ships,  
13 bunker boats and an odd tanker. It is the tankers  
14 that come in and the bunker boats that would be the  
15 main users besides Dosco.

16 Q. Would for example the Imperial Oil  
17 Company use these tug boats?

18 A. They have on occasions requested them  
19 and used them.

20 Q. What about Irving Oil?

21 A. No, we have never had a tug boat on Irving  
22 Oil because they are smaller ships that come there and  
23 they do not require a tug boat. As a matter of fact  
24 I think Irving Oil did a few times use it up on what  
25 we call the Sydney River Bridge where the ships as a rule  
26 have to go out stern first because of the narrowness  
27 of the channel; but ordinarily when they go into their  
28 docks they do not.

29 Q. I see in the schedule that you have  
30 just filed there is an item for putting pilot on board









1 ships?

2 A. Yes. Well, that is -- we only have one  
3 pilot boat today. This arrangement has been made  
4 with Dosco to ship the pilot if the pilot boat is  
5 broken down and unavailable. That is their charge  
6 for putting a pilot on board a ship.

7 Q. How often does that occur, this tug boat  
8 service to replace the pilot boat service?

9 A. Well, we do not know yet. Up until now  
10 we had two boats. We have just had one boat for the  
11 first time. But in the past we have been down to one  
12 pilot boat quite often when the other one is up for  
13 repairs. If we run into the same situation this year  
14 we will have to use the tow boat because we have no  
15 spare pilot boat.

16 Q. How do the charges of \$75.00 per trip and  
17 \$90.00 per trip compare with the charge when the regular  
18 pilot boat service is used?

19 A. There is a charge by the regular pilot  
20 boat of \$10.00 either to embark or disembark. If the  
21 ship is at anchor to go to the dock there is no charge  
22 for the pilot boat on those trips. It is just for  
23 embarking and disembarking.

24 CAPTAIN SLOCOMBE: Of course, this charge  
25 is payable to the Department and not to the pilotage  
26 fund. It is separate from the pilotage fund. This  
27 is the situation which does exist in Saint John, New  
28 Brunswick, also. In an emergency one has to hire  
29 an outside boat and pay whatever rate is going.

30 CAPTAIN COBHAM: It is gratis as a rule. Only





1 in the summertime are tow boats taking the pilots to  
2 and from the ships.

3 CAPTAIN SLOCOMBE: That is fine, my lord. I  
4 wish some more would give us the service gratis.

5 MR. LANGLOIS: Q: Do you have any further  
6 comments to make in regard to your district, Captain  
7 Ryan?

8 A. No, but I would just like to add that  
9 of course shipping is slack in the spring and we find  
10 one pilot boat so far is sufficient -- with this  
11 provision that they have allowed for taxi service. We  
12 thought at first perhaps it would not work out, but  
13 when breakdowns happen and of course if the volume  
14 of shipping increases, we are not prepared to say at  
15 the moment.

16 But with regard to the proposed new pilot  
17 boat for Sydney, well, I would say it cannot come too  
18 soon because our breakdowns over the past few years  
19 on the pilot boat we have now are increasing due to  
20 her age. Breakdowns are occurring more often than  
21 they did in the past. So the sooner the new pilot  
22 boat comes the better for the port.

23 Q. Coming back to this tug boat service  
24 in the harbour of Sydney, is the use of tug boats  
25 made compulsory anywhere in your port?

26 A. At all the Dosco piers.

27 Q. At all the Dosco piers?

28 A. At all the Dosco piers it is compulsory.  
29 One of the Dosco piers is also a bunker berth, so any  
30 bunker boat going in there now it is compulsory to





1 have a tow boat. We are not allowed to approach a  
2 Dosco dock now without a tow boat.

3 Q. Is that through a regulation by the  
4 port authorities?

5 A. No, that is a Dosco regulation regarding  
6 their berths.

7 MR. LANGLOIS: Thank you, Captain.

8 THE CHAIRMAN: Are there any further questions  
9 of Captain Ryan?

10 ---The witness withdrew.

11 MR. LANGLOIS: That is all for Sydney as far  
12 as I am concerned.

13 THE CHAIRMAN: That is all right.

14 MR. LANGLOIS: Now, my lord, I would like  
15 to ask Captain Slocombe if he could file a copy of the  
16 letter of January 29th, 1964 in regards to the request  
17 for the additional pilot in Saint John. This letter  
18 was from the Shipping Federation and signed by Captain  
19 Matheson to Captain D.R. Jones.

20 THE CHAIRMAN: There was a question on this  
21 before.

22 CAPTAIN SLOCOMBE: Yes, my lord; we will  
23 have this.

24 THE CHAIRMAN: So we will adjourn now until  
25 this afternoon at 2:30.

26  
27 ---Luncheon adjournment.  
28  
29  
30







1 ---On resuming at 2:30 o'clock p.m.

2 MR. JACQUES: My lord, before we resume the  
3 hearing it might be convenient to file the records  
4 of service of Captain Jones, Captain Seeley, Captain  
5 Atkins and Captain Catinus, all connected with the  
6 administration of pilotage services in Canada. This  
7 will be filed as Exhibit 1185.

8 MR. LANGLOIS: Captain Jones, Captain Seeley?

9 MR. JACQUES: Captain Atkins and Captain  
10 Catinus.

11 --- EXHIBIT NO. 1185: Service records of Cpts. Jones,  
12 Seeley, Stkins and Catinus.  
13 CAPTAIN F.S. SLOCOMBE, recalled

14 DIRECT EXAMINATION BY MR. JACQUES: (continued)

15 Q. The Commission sat in Sydney in June  
16 and heard evidence on the Bras d'Or Lakes district.  
17 Since the Commission has been there have there been  
18 any changes in the by-laws or in the composition of  
19 the pilots?

20 A. As to changes since the Commission was  
21 there, there was order-in-council P.C. 1963-1571 of  
22 October 24th, 1963 which introduced a boat charge of  
23 \$20.00 on each occasion that a pilot boat was used  
24 to transport a pilot to or from a vessel entering or  
25 leaving the district. This provision was introduced  
26 simultaneously with discontinuing the \$750.00 per annum  
27 assistance.

28 MR. JACQUES: That P.C., my lord, will be  
29 annexed to the Bras d'Or Lakes Pilotage District  
30 general by-law which has been already filed.

---ADDITION TO EXHIBIT NO. 377: Order-in-Council P.C.  
1963-1571.





1 Q. Are there any other changes?

2 A. No other changes, my lord.

3 Q. The first question on the Bras d'Or Lakes  
4 concerns the work done by pilots in the Gut of Canso.

5 A. Yes. The supervisor gives permission,  
6 which is a blanket permission, now to the Sydney pilots  
7 to pilot outside their district.

8 Q. The Sydney pilots?

9 A. The Bras d'Or Lakes pilots to go into  
10 the Gut of Canso outside their district when they  
11 are on call.

12 Q. Is there any thought of including the  
13 Gut of Canso with the Bras d'Or Lakes District?

14 A. It has been thought of and it has been  
15 considered at quite considerable length. The final  
16 decision was to leave things as they were for the  
17 time being. I may say that this decision was  
18 recommended by the local supervisor after talking with  
19 the pilots.

20 Q. But what is the reason for the decision?

21

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1 A. I think, my lord, I would like to  
2 read Captain Parker's letter. It gives the picture  
3 as a whole, and I think it would be of interest. It  
4 is rather long, but if you dont mind ---

5 THE CHAIRMAN: That is quite all right.

6 THE WITNESS: This is a letter to the  
7 superintendent of pilotage from the district supervisor  
8 of pilots, and it is dated April 13th, 1964. The  
9 subject is: "Pilotage - Strait of Canso."

10 "Transit of the strait from  
11 either direction has always been  
12 carried out by shipping without  
13 any restrictive pilotage. Three  
14 industrial firms situated on the  
15 east side of the Strait of Canso  
16 immediately south of Point Tupper  
17 are included in the physical  
18 limits of the Bras d'Or Lakes  
19 pilotage district.

20 Since the causeway and canal  
21 were completed in 1957 those  
22 ships requesting pilotage through  
23 the lock at the causeway have  
24 been provided with pilots.

25 Sometimes this work is done by  
26 the Bras d'Or pilots, at other  
27 times by a local pilot. Ships  
28 requiring a pilot at this place  
29 are advised through a notice to  
30 mariners that they should contact







1 the lock master by R.T. eight  
2 hours prior to arrival.

3 It was suggested that the  
4 Bras d'Or pilots should be  
5 called in such cases, but in  
6 recent months this has not  
7 been fully carried out. As  
8 the the lock is not in a  
9 pilotage district such a pilot  
10 is not required to be licenced  
11 and there isn't any set fee for  
12 this work, as they are local  
13 coasting vessels ranging in size  
14 from small fishing boats and  
15 coasters to large vessels like  
16 the s.s. B.A. CANADA, the s.s.  
17 WHEAT KING, etc., built to the  
18 maximum size for seaway transit.  
19 Incidentally, these two large  
20 vessels do not take a pilot  
21 in the canal. The remaining  
22 small percentage are foreign  
23 ships who often take a pilot for  
24 a voyage or so then do not do  
25 so as they then have knowledge  
26 of the lock conditions.

27 It would appear that local  
28 pressure is building up in the  
29 area to get employment for this  
30 local pilot or pilots. It is





1 also considered locally that  
2 all pilotage in the Strait  
3 of Canso, including the part  
4 now in the Bras d'Or Lakes  
5 pilotage, should be incorporated  
6 in the Canso area. This would  
7 include Mulgrave which is a  
8 port on the western side, used  
9 for exporting pulpwood and  
10 explosives, where a pilot is  
11 required a few times a year.

12 During the past season the lock  
13 master called on our pilot for  
14 twenty-five transits and fourteen  
15 transits were done by the local  
16 pilot..."

17 MR. JACQUES: Fourteen in addition to the  
18 twenty-five done by the Bras d'Or Lakes pilot?

19 A. Yes.

20 "...Approximately two thousand  
21 vessels made passage through the  
22 locks, but the majority were  
23 small craft and would not require  
24 a pilot in any circumstances.

25 It appears, then, that there  
26 are three courses open for  
27 recommendation:

28 (1) The Bras d'Or Lakes District  
29 be extended north far enough  
30 to include the lock and





1 approaches and also the  
2 town of Mulgrave. It is  
3 expected that the bulk of  
4 the shipping before mentioned  
5 would be exempt from compulsory  
6 payment, leaving only the  
7 foreign vessels liable.

8 This could be handled by our  
9 three pilots presently on  
10 strength. It would supplement  
11 their revenue which is low  
12 compared to other districts.

13 This matter is complicated  
14 to some extent by the fact  
15 that one of these pilots is  
16 not in good health and, by  
17 mutual agreement, does not  
18 handle large ships. A  
19 tariff would have to be set  
20 up to cover this area and  
21 also a by-law for exemptions.

22 (2) A separate district to be  
23 set up covering the Strait  
24 of Canso area. This would  
25 incorporate a scale of fees  
26 and licensing of a pilot.  
27 There does not seem to be a  
28 sufficient volume of shipping  
29 requiring the services of  
30 pilots to enable one man to







1 have a sufficient salary  
2 unless a high tariff is set  
3 on foreign ships, or a  
4 compulsory payment system  
5 is placed on all ships.

6 (3) To continue the operation  
7 as at present, calling on  
8 one of the Bras d'Or pilots  
9 when one is required.

10 It is recommended that the  
11 third course above be continued  
12 for the present time. It works  
13 quite well except for the objection  
14 of the local people which is  
15 political; but as the traffic  
16 increases over the years it may  
17 have to be put on another basis."

18 That is the letter from Captain Parker.

19 COMMISSIONER SMITH: In connection with the  
20 status quo, leaving out the other elements, has your  
21 branch of the Department received an opinion from  
22 the Department of Justice, or some other law officers  
23 of the Crown, that section 362 of the Canada Shipping  
24 Act, which provides:

25 "No pilot is personally  
26 liable in pecuniary damages  
27 beyond the amount of \$300.00  
28 for any damage or loss occasioned  
29 by his neglect or want of skill."

30 -- that these pilots that pilot without a licence





1 outside their own district are protected under that  
2 section?

3 THE WITNESS: Mr. McGillivray expressed the  
4 opinion last week that this would include these  
5 pilots; but I don't that our branch has been in touch  
6 with the Department of Justice about it. But this  
7 is the opinion expressed by our branch, which he  
8 mentioned last week in evidence.

9 COMMISSIONER SMITH: Yes, I know My question  
10 was whether there was some opinion on the record.

11 THE WITNESS: Not so far as I know.

12 THE CHAIRMAN: You don't know of any claim  
13 being made against a pilot, or somebody who acted  
14 as a pilot, outside the district?

15 THE WITNESS: No, my lord, we don't know  
16 of any case.

17 I am reminded, my lord, that there was a  
18 collision in the Welland Canal when one of our  
19 non-licenced but salaried pilots was conducting a ship,  
20 and that is not a pilotage district under Part VI,  
21 and we have not under Part VI(a) got this ---

22 THE CHAIRMAN: --- liability clause?

23 THE WITNESS: Anything to do with it. But in  
24 this case I am told that somebody is contemplating  
25 taking action about it, but we haven't any further  
26 information on it.

27 THE CHAIRMAN: It is in the making.

28 MR. JACQUES: My information is that they  
29 planned to sue the Crown because they claim that the  
30 pilot was the Crown's employee and that the collision





1 occurred in the course of the performance of his  
2 duties as a crown employee.

3 I have not heard, though, that they would  
4 sue the pilot personally.

5 MR. JACQUES, Q: The next question refers  
6 to the payment of boat costs, and, of course, this is  
7 related to the third one and you have answered the  
8 third one.

9 THE WITNESS: I think I gave the answer to  
10 that question, Mr. Jacques, in your preliminary  
11 question before you started on the numbered questions  
12 here.

13 Q. Yes; but why are you not operating  
14 or paying the boat cost operation?

15 A. Well, it was not until this later  
16 order-in-council which I mentioned just now, of  
17 October 24th, 1963; the Department then was contributing  
18 \$750.00 per year towards the cost of operation of the  
19 pilot boats.

20 Q. That is in connection with question 5  
21 which required the history of this.

22 A. Yes; well, for some time the pilots  
23 have been asking for relief from this cost of pilot  
24 boat operation, and that was created by P.C. Order-in-  
25 Council 164-1166 of March 9th, 1951 in the form of  
26 an annual contribution of \$200.00 to the pilotage  
27 district of Bras d'Or Lakes by way of financial  
28 assistance toward the cost of maintaining, operating  
29 and repairing pilot vessels.

30 Q. How was that paid -- to whom was that paid?







1 A. Into the pilotage fund. It was a  
2 contribution to the pilotage fund which was in the  
3 custody of Captain Parker in Sydney, as supervisor also  
4 of the Bras d'Or Lakes district. This amount was  
5 raised to \$500.00 by Order-in-Council P.C. 37-590 of  
6 April 22nd, 1954; and to \$750.00 by Order-in-Council  
7 P.C. 36-257 of March 3rd, 1960, at which level it  
8 rested until October of last year -- 1963.

9 Q. What guided the department in fixing  
10 these figures?

11 A. Just that the costs of the pilot boat  
12 operation were increasing. The costs of the pilot  
13 boat operation were increasing year by year, and as  
14 they increased we provided for an increased assistance.

15 Q. Can you explain to me why a Treasury  
16 Board minute was adopted after the adoption of the  
17 P.C.? Was that always the case when expenses were  
18 involved?

19 A. It seems there is always a number  
20 attached as well.

21 MR. MCGILLIVRAY: I think the fact is that  
22 when the Governor-in-Council is acting on the basis  
23 of a Treasury Board minute therefore it has both a  
24 Treasury Board number and a P.C. number.

25 MR. JACQUES: Q: The next question, which  
26 is question No. 4 concerns the investigation into the  
27 welfare of the Bras d'Or Lakes pilots. They didn't  
28 seem too well off when the Commission was there, in  
29 the way of revenue and charges for boat services which  
30 didn't exist at the time. Was any survey made, or





1 investigation?

2 A. We had the annual report each year,  
3 and Captain Parker is the supervisor for the Bras  
4 d'Or Lakes district as well; so he kept us informed  
5 as to the net revenue, and the amount of work performed  
6 didn't seem to justify greater remuneration than they  
7 were getting.

8 COMMISSIONER SMITH: In that connection  
9 there is a letter which was addressed to the Secretary  
10 -- this was in December, 1962 -- by a Bras d'Or  
11 pilot by the name of Forgeron. This is what the  
12 letter says:

13 "We the pilots of the Pilotage  
14 District of Bras D'Or, feel that  
15 some changes must be made in order  
16 for us to continue as pilots in the  
17 Strait of Canso area.

18 After pilot boat expenses  
19 have been paid, we find ourselves  
20 with \$60.00 for piloting a ship  
21 and docking it without the help  
22 of a tug boat.

23 We feel that the Government  
24 should pay all expenses in connection  
25 with pilot boats, including wages.  
26 We think the tariff should be  
27 increased from \$80.00 per ship to  
28 \$100.00 whether the boat be large  
29 or small..."

30 Do you have any comments?





1 THE WITNESS: Well, we did improve the  
2 situation of the Bras d'Or Lakes pilots by means of  
3 this \$20.00 boat charge which had the effect of  
4 increasing the net earnings of the pilots to almost  
5 \$6,000.00 a year.

6 MR. JACQUES: Each, or for the three of  
7 them?

8 A. Each -- for the two full time pilots,  
9 apart from what the other man might do. But the  
10 actual net earnings of Messrs. Campbell and Kaiser  
11 was \$5,935.00 each in 1963, which included only part  
12 of a year under the new system; and, in addition,  
13 Pilot Forgeron had \$2,729.12.

14 Q. His position is peculiar in that he  
15 doesn't work as regularly as the others?

16 A. Yes.

17 Q. He doesn't handle any large ships and he  
18 doesn't do any travelling?

19 A. He is not a full time pilot, you might  
20 say.

21 Q. Is there any thought of placing these  
22 three pilots under the prevailing rate employee  
23 regulations?

24 A. No, we wouldn't do that unless we also  
25 considered the Sydney pilots and the Halifax pilots --  
26 or the Sydney pilots especially. I think we would  
27 find some difficulty in selling this to the Treasury  
28 Board.

29 Q. This is from the letter which Mr. Smith  
30 has read. It seems that they might consider that.







1 A. Well, the thing is when we are making a  
2 proposition like this to the government you set up  
3 more positions as government employees then, the  
4 Department of Labour come into the picture to set a  
5 rate. I don't know what the Department of Labour  
6 would come up with in the case of the Bras d'Or Lakes  
7 pilots.

8 Q. Now, captain, the next question --  
9 Captain Parker gave a history of the district in Volume  
10 33, pages 3745 and following. Have you had occasion  
11 to peruse this document?

12 A. I haven't had time to study it and  
13 check anything.

14 Q. Perhaps at your convenience you might  
15 and let us know whether there is anything which should  
16 be added or modified in the history of that area?

17 A. Yes.

18 Q. The next question is figures on traffic  
19 through the Gut in 1960-1963. You gave figures in  
20 the letter which you have just read into the record  
21 but they were for the year 1963, I believe.

22 A. I have 1962 and 1963.

23 Q. The letter which you read?

24 A. No, it is not in the letter which I read.  
25 This is a separate statement of which I only have the  
26 original.

27 Q. Would you read those figures into the  
28 record, please?

29 A. The following is a report -- no, I am  
30 sorry, this is not the Gut of Canso. This is the





1 Bras d'Or Lakes District. You said the Gut of Canso?

2 Q. The Gut of Canso.

3 A. No. All I have got is what I have already  
4 told you which is about forty a year that need pilots.

5 Q. Question No. 8 you have touched on that  
6 question already when you read Captain Parker's letter  
7 which said that there was a local commission doing  
8 pilotage in the district. That is in the Gut of  
9 Canso. Would it be fair to say that the attitude of  
10 the Department in respect of this problem would be the  
11 same as it was elsewhere, unless there was a particular  
12 request or special circumstances, it would not  
13 interfere with this man?

14 A. Yes, that is correct, unless it was  
15 very clearly necessary, we would not want to take  
16 control.

17 Q. Question No. 9 is to be referred to  
18 later. In 1950 it appears that it was proposed to  
19 return the district to a local commission. Can you  
20 tell us why it was decided contrary to the proposal?

21 A. Because the people concerned decided  
22 they were better off as they were.

23 THE CHAIRMAN: Meaning the pilots.

24 THE WITNESS: Yes, sir. They asked to be  
25 allowed to remain as they were. I think they were  
26 afraid if they were placed under a local commission  
27 they might lose their jobs with a change in government.

28 MR. JACQUES, Q: The next question concerns  
29 the proposal made by the D. of T. I will read the  
30 proposal.





1 THE WITNESS: I think "proposal" is the  
2 wrong term, if you will permit me, Mr. Jacques.

3 Q. Why?

4 A. This is page 2 of the notes that were  
5 given to the Commission?

6 Q. Yes, sir. Exhibit 1165 and I quote:

7 "The following solutions have  
8 been the subject of some consideration  
9 by the pilotage officials of this  
10 department.

11 (1) Determining the extent to which  
12 the pilotage services are  
13 required in the Strait of  
14 Canso and if a separate  
15 district should be established  
16 for this area:

17 (2) Either abolish the district  
18 as such or extend it to include  
19 the Strait of Canso if necessary."

20 I think this was answered in Captain Parker's  
21 letters.

22 A. I think so.

23 Q. I have one more point to raise, my  
24 lord, with respect to the Bras d'Or Lakes. I refer  
25 my learned friend, Mr. Langlois, to page 3742 of  
26 volume 33 and I shall quote:

27 "MR. LANGLOIS: It is a  
28 fact, my lord, in this regard  
29 the pilots were disappointed  
30 when I handed them a paper and







1 told them to calculate what  
2 would be the yield in additional  
3 revenue from the increase they  
4 have requested in their brief  
5 because no calculation has  
6 been made, as Captain Campbell  
7 just said, prior to their  
8 coming here.

9 I would request your lordship's  
10 permission that they be allowed  
11 to submit a new schedule of  
12 rates, which we are recommending,  
13 in order to bring them more  
14 in line with the needs of the  
15 district."

16 MR. LANGLOIS: I have not received any further  
17 suggestion from the district. I have been in touch  
18 with them and I will let you know.

19 THE WITNESS: As far as I know, we have not  
20 had any representations from these pilots.

21 MR. JACQUES: I have no further questions  
22 with respect to Bras d'Or Lakes.

23 If we may move to Newfoundland.

24 COMMISSIONER RENWICK: I have one question.  
25 In 1963 the net earnings of the pilots were \$5,935.00  
26 for the two effective pilots. Do we have any figure  
27 of their 1962 earnings? I think, as I recall it,  
28 they were very much below that.

29 THE WITNESS: In 1962 each of those pilots  
30 earned \$4,475.00.





1 MR. JACQUES, Q: Captain Slocombe, we are  
2 now moving into Newfoundland. Newfoundland, as we  
3 know ---

4 THE CHAIRMAN: Excuse me a moment.

5 MR. JACQUES: Yes, my lord.

6 THE CHAIRMAN: All right go ahead.

7 MR. JACQUES, Q: --- comes under different  
8 laws and not under Part VI of the Canada Shipping  
9 Act. From the evidence gathered in Newfoundland it  
10 was established that at some time an investigation of  
11 pilots in Newfoundland was made by the Department.  
12 I think Captain Seeley made part of it. At that time  
13 an official visited all the districts and also  
14 prepared by-laws for each and every one of those  
15 districts. It might be easier if you were to let us  
16 have the details in respect to this investigation;  
17 its extent, made at whose request and its findings.

18 A. My lord, these Newfoundland questions  
19 were handed to my office and they are still working  
20 on them. I have nothing to help me here. I can  
21 answer general questions.

22 My lord, these, of course, are local  
23 commissions and what I said about local commissions  
24 on the mainland would apply also to these local  
25 commissions and very much more so, because they were  
26 under a different act. I think my remarks in  
27 Cornerbrook when I addressed the court set out the  
28 situation in this regard and this sets out the  
29 general situation and we certainly have no more  
30 information than the Commission itself has now on any





1 of the five districts concerned.

2 THE CHAIRMAN: What about the bringing of  
3 the Newfoundland District under the Canada Shipping  
4 Act now? How is that?

5 THE WITNESS: My lord, it is up before the  
6 Legislation Committee of the Cabinet and this, as  
7 you are aware, is tied in with a Harbour Commission  
8 matter and the same action will change the harbour  
9 situation will change the pilotage situation.

10 At that time we hope to have the Canada  
11 Shipping Act, Part VI proclaimed as in effect in  
12 Newfoundland. By that time, we will have the by-laws  
13 for the several districts ready and as soon as Part VI  
14 is declared proclaimed in effect in Newfoundland,  
15 then these new by-laws will go into effect.

16 THE CHAIRMAN: So it is in the making now.

17 THE WITNESS: Yes, sir unless it gets  
18 delayed again in the legislation.

19 THE CHAIRMAN: Again?

20 THE WITNESS: of course, this has happened  
21 several times. There has been talk of declaring Part  
22 VI over the last several years but the government  
23 has never quite got around to it.

24 THE CHAIRMAN: But the outlook now is better  
25 than ever, is it.

26 THE WITNESS: Yes, sir. We think it is going  
27 through this time but of course we are not supposed  
28 to anticipate actions of the Cabinet.

29 COMMISSIONER SMITH: Captain, under section  
30 6 of the Canada Shipping Act the Governor-in-Council









1 may by proclamation declare to be a public harbour  
2 any area covered with water and so on.

3 THE WITNESS: Yes.

4 COMMISSIONER SMITH: Have any of the harbours  
5 in Newfoundland been declared public harbours?

6 MR. MCGILLIVRAY: I haven't had time to work  
7 it all out but since 1955, Mr. Smith, Botwood, Grand  
8 Bank, Long Point, Manuels and Port aux Basques. This  
9 is almost all since 1955.

10 MR. JACQUES: And Goose Bay.

11 COMMISSIONER SMITH: Not St. Johns?

12 MR. MCGILLIVRAY: No, sir. It is under a  
13 special Act.

14 THE WITNESS: St. Johns is under a special  
15 Act, as Mr. McGillivray says. As you will recall,  
16 this case of the Act is tied in with the pilotage.

17 COMMISSIONER SMITH: The Chairman of the  
18 Commission there is also Chairman of some utilities  
19 board, I recall, from evidence to that effect in St.  
20 Johns. It is all bound up.

21 THE WITNESS: Yes.

22 COMMISSIONER SMITH: With other circumstances.

23 THE WITNESS: This is partly because of  
24 the delay in this matter. It has been tied in with  
25 other things besides pilotage. This has caused certain  
26 delays in bringing the pilotage into effect.

27 THE CHAIRMAN: So we are now going to adjourn  
28 until tomorrow at 10:00 o'clock during which time  
29 you will be able to look these questions up. We have  
30 only three places to look at of the District in





1 Newfoundland. Therefore, the evidence will not be  
2 very long because the Department has had almost nothing  
3 to do with it, you said, except with regard to the  
4 other local commissions and then we will have the  
5 evidence of Churchill.

6 THE WITNESS: With regard to Goose Bay, will  
7 you want the details -- the physical details of the  
8 district?

9 THE CHAIRMAN: Yes, if at all possible.

10 THE WITNESS: In this case, if you don't mind,  
11 I will have Captain Seeley on the stand, who was  
12 harbour master and superintendent of pilots there  
13 for a while.

14 THE CHAIRMAN: All right. Could he be  
15 here tomorrow?

16 THE WITNESS: He will, yes. As far as the  
17 physical characteristics of the districts are  
18 concerned -- it is not a district it is an area.

19 THE CHAIRMAN: And Churchill also, you will be  
20 competent to talk about Churchill.

21 THE WITNESS: Yes.

22 MR. JACQUES: We have had evidence on the  
23 physical part of Churchill.

24 THE CHAIRMAN: I know, but we may get  
25 corroboration by a former pilot of Churchill.

26 THE WITNESS: I can tell you about it  
27 generally, my lord.

28 THE CHAIRMAN: So, I think with that we  
29 will be able to finish tomorrow at least this part  
30 of the hearing.





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1 MR. JACQUES: Mr. Langlois, would you have  
2 any witness to present?

3 MR. LANGLOIS: No, except Captain Gatheral,  
4 that is all.

5 THE CHAIRMAN: Today if you want?

6 MR. LANGLOIS: No, that will be after St.  
7 John's. We will have the discussion.

8  
9 --Whereupon the Commission adjourned.

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# ROYAL COMMISSION

ON

## PILOTAGE

### HEARINGS

HELD AT

**OTTAWA**

VOLUME No.:

**133**

DATE:

**June 9, 1964**

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held  
at the Tariff Board, Ottawa, Ontario,  
commencing at 10:00 a.m., June 9th,  
1964.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq.	Member
Harold A. Renwick, Esq.	Member

---O---

Mr. Gilbert W. Nadeau	Secretary
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---O---

COMMISSION COUNSEL:

Mr. Maurice Jacques, Q.C.

---O---

APPEARANCES:

Mr. Leopold Langlois, Q.C. counsel for the  
Canadian Merchant Service Guild, Inc.

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\* \* \* \* \*







1 ---UPON COMMENCING AT 10:00 A.M.

2 CAPTAIN S. S. SLOCOMBE, Recalled

3 MR. JACQUES: My Lord, the Commission  
4 may recall that when we sat in St. John's, Newfoundland  
5 mention was made of obstructions in the bed of the  
6 harbour and upon inquiring of the Department of Public  
7 Works after the sitting it was confirmed that a  
8 contract to clean the harbour was let to a firm. We  
9 will hear evidence of the pilot in that respect  
10 stating that in fact ---

11 THE CHAIRMAN: It was the warning  
12 buoy.

13 MR. JACQUES: Yes, sir. With respect  
14 to Newfoundland we have received from Captain Davis,  
15 Harbour Master, Long Horn Manuels, his book on  
16 pilotage done for the years 1961 to date. I propose  
17 that the Commission extract from this book the  
18 information it requires and that it be returned to  
19 Captain Davis. We might, if Your Lordship wishes,  
20 give these extracts an Exhibit number now.

21 THE SECRETARY: 1186.

22 MR. JACQUES: Exhibit 1186 will be  
23 extracts from the records of Captain Davis on ships  
24 piloted in Long Horn Manuels during the years 1961 to  
25 date, -- meaning May 17th, 1964.

26 ---EXHIBIT NO. 1186: Extracts from records of Captain  
27 Davis, Long Horn Manuels 1961 to  
28 May 17th, 1964.

29 DIRECT EXAMINATION BY MR. JACQUES: (Continued)

30 Q. Now, Captain Slocombe, if we may proceed





1 with St. John's, Newfoundland ---

2 A. I do have a number of ends from  
3 yesterday, My Lord, if you would like to dispose of  
4 these first.

5 Q. Oh, yes, correct.

6 A. First of all there are copies of  
7 the minutes of each of the meetings of the local  
8 Advisory Committee of Halifax for the last two years  
9 which were asked for.

10 THE CHAIRMAN: Very good.

11 THE WITNESS: On the front page -- which  
12 I would ask you to clip -- is a copy of the terms of  
13 reference. All down the side it has marked the  
14 number of discussions or the number of occasions on  
15 which the item alongside which the number is was  
16 discussed at these Advisory Committees -- the number  
17 of times on which these items came up for discussion.

18 THE CHAIRMAN: Very good.

19 THE SECRETARY: This was given number  
20 1177, My Lord.

21 MR. JACQUES: 1177. It is interesting  
22 to note that the term of reference most frequently  
23 used is with respect to navigational aids -- 43 times.

24 THE CHAIRMAN: That is what I expected.

25 MR. JACQUES: Casualties, 1; alleged  
26 misconduct, nil; policy and procedure in recruitment,  
27 4; recommendations concerning amendments to by-laws, 1;  
28 and changes in tariff, 5.

29 THE SECRETARY: Those are for the  
30 years 1962 and 1963?





1 MR. JACQUES: 1962 and 1963.

2 THE WITNESS: Then Mr. Langlois  
3 asked for information as to the contribution to  
4 pilotage funds which was in the estimates of the  
5 Department of Transport in the years 1948/1949,  
6 1949/1950 and 1950/1951. We found an old estimate  
7 book, a departmental book, in which the reason is  
8 shown in this way. We have not yet been able to find  
9 any recommendation to Council, but this describes,  
10 I think gives the information required -- and I am  
11 quoting:

12 "Contribution to pilotage funds, \$10,000.00  
13 This contribution is made to insure fair minimum  
14 average earnings to pilots in the Halifax, St. John  
15 and Sydney Districts after payment of operating  
16 expenses."

17 The note is as follows:

18 "As the revenues were sufficient to provide  
19 earnings in excess of the Department undertaking,  
20 recourse to this item was not required in 1948/1949."

21 This was in the estimate book for  
22 1949/1950 and the amounts provided are: Halifax,  
23 \$5,000.00, St. John and Sydney, \$2,500 each.

24 As I informed the Commission before,  
25 this was not used in either of the two subsequent years  
26 and then it was dropped from the estimates.

27 MR. JACQUES: Might we file this as  
28 an Exhibit?

29 THE SECRETARY: It will have to be  
30 1187.









1 MR. LANGLOIS: It has been read into  
2 the record.

3 MR. JACQUES: I have no objection.  
4 What has been read into the record, My Lord, is an  
5 extract from the 1949/1950 estimate book.

6 THE CHAIRMAN: It is all right.

7 MR. JACQUES: We need not file it?

8 THE CHAIRMAN: No.

9 THE WITNESS: Then, My Lord, there  
10 was a request for a copy of a letter written to the  
11 Sydney Pilots' Committee Chairman by the Deputy  
12 Minister in September, 1963. I have this letter  
13 and I think perhaps it would be of interest to read  
14 it, if you are willing.

15 September 19th, 1963. It is addressed to  
16 Mr. A. M. Huntley, President, Sydney Pilots' Committee,  
17 North Sidney.

18 "Dear Sir: The Department has been giving  
19 consideration for some time to the fact that a very  
20 high percentage of the revenue of the Sydney Pilotage  
21 District is derived from ships not using a pilot, the  
22 vessels referred to being almost all owned by the  
23 Canadian National Railway Company. In addition there  
24 has been for many years a much larger number of pilots  
25 on strength in the Sydney District than is necessary  
26 to perform the pilotage work on the basis of a  
27 reasonable work load.

28 "The Superintendent of Pilotage visited  
29 Sydney in July and discussed our intentions in this  
30 matter with you. We realized that you have received an





1 annual revenue from C.N.R. vessels for many years  
2 and that you are understandably reluctant to see a  
3 downward adjustment to this item being made.

4 "Nevertheless we are compelled to introduce  
5 a plan looking to the eventual abolition of these  
6 charges so that the C.N.R. may be relieved of this  
7 very onerous burden which is made without any  
8 compensating service being rendered.

9 "Having in mind some such adjustment Mr.  
10 Vincent, aged 67 years, of our group, was given a  
11 six-month extension in July, so that he will retire  
12 in December. Mr. Gallop is now being given a  
13 similar extension and will retire in March, 1964.  
14 There will then remain ten pilots on strength.  
15 Succeeding pilots in the Sydney District will retire  
16 at age 65 years, commencing with Mr. Wilson in 1965.  
17 This procedure will remain in effect until a realistic  
18 relationship between the number of pilots and the  
19 work load is reached.

20 "We intend amending the by-law of the District  
21 so as to establish the earnings of the ten remaining  
22 pilots at the same level as 1962, namely \$9,300.00 per  
23 pilot, on the assumption that the 1964 revenue will  
24 be approximately the same as in 1962.

25 "This will be brought about by requiring  
26 non-users to pay one-quarter of the standard charges  
27 set forth in the schedule. The amendment will be made  
28 effective in March, 1964 when the number of pilots on  
29 strength is reduced to ten by the retirement of Mr.  
30 Gallop. Under this programme you will realize that the







1 earnings of individual pilots are not being allowed  
2 to fall below the 1962 level and with this in mind  
3 we trust you will accept the programme as necessary  
4 to correct a situation which cannot be permitted to  
5 continue."

6 This was signed for Mr. J. R. Baldwin,  
7 Deputy Minister, by Mr. C. S. Booth.

8 The Commissioners may recall that  
9 the by-law that was actually made provided for one-third  
10 of the tariff charge rather than one-quarter. This  
11 was following further discussions between Captain  
12 Jones and the pilots and the Superintendent on the spot  
13 -- the Supervisor on the spot. It brings in another  
14 factor. It has brought in the matter of the taking  
15 away of the one boat and the necessity, the occasional  
16 necessity, occasioned thereby of having to take taxis  
17 from one side of the harbour to the other.

18 Q. So the difference between one-quarter  
19 and one-third was designed to provide monies ---

20 A. To compensate ---

21 Q. To pay for this expense?

22 A. In order to compensate the pilots  
23 for this additional expense which they might occasionally  
24 be required to undertake. We are quite sure, My Lord,  
25 that this extra amount as it was worked out would more  
26 than do this. This was a way of insurance, as you  
27 might say, that in actuality the revenue would not fall  
28 below what it had been in 1962.

29 MR. LANGLOIS: What if it does?

30 THE WITNESS: Then the thing has to be







1 looked at again. We are always available for  
2 representations in this regard.

3 MR. LANGLOIS: Would there be any  
4 retroactivity involved?

5 THE WITNESS: Oh, no, I am afraid not.

6 MR. LANGLOIS: The pilots would be  
7 holding the bag again.

8 THE WITNESS: We think, Mr. Langlois,  
9 that there is very little likelihood of this happening  
10 through this taxi business.

11 MR. JACQUES: Q. Together with  
12 this letter have you prepared a statement on the  
13 licences and extensions granted to some three Sydney  
14 pilots?

15 A. Yes. A statement here refers to the  
16 retiring of these three pilots, the two mentioned in  
17 the letter, which was after the date, and a previous  
18 one which perhaps I had better read. There was a  
19 suggestion made yesterday that one of the pilots had  
20 been given a year's extension and this had been  
21 reduced to six months. This document indicates that  
22 this is not the case, My Lord.

23 Q. And that extensions were granted for  
24 six months?

25 A. For six months in those two cases.  
26 The previous one was Pilot Ley who had developed a  
27 heart condition and who had retired on pension in 1963.

28 MR. JACQUES: Might we file these  
29 two documents as Exhibit No. 1187 -- letter dated  
30 September 19th, 1963 addressed by the Deputy Minister





1 to the President of the Sydney Pilots' Committee,  
2 together with a statement of extensions granted to  
3 three pilots who had retired between 1962 and 1963?

4 ---EXHIBIT NO. 1187: Letter dated September 19th, 1963  
5 from Deputy Minister to President  
6 of the Sydney Pilots' Committee  
7 and statement of extensions granted  
8 to three pilots who retired between  
9 1962 and 1963.

10 MR. JACQUES: Q. Now, you were  
11 requested yesterday to bring with you the regulations  
12 applicable to life saving equipment to be carried on  
13 board vessels of the tonnage and engaged in areas where  
14 pilotage boats are engaged.

15 A. I have a copy here of the steamship  
16 inspector's report on his annual inspection. This I  
17 will file. It gives all the information concerning  
18 the inspection of this vessel. She is classed as a  
19 ship of Class 5 on a home trade voyage Class 4 and  
20 this is limited to not more than three miles off Sydney  
21 harbour.

22 In a ship of this class the life saving  
23 equipment is not required to have any provisions or  
24 water in it.

25 I hesitate to attempt to interpret  
26 the regulations, My Lord. They are very complicated.  
27 If in September after considering the matter the  
28 Commission would like to have a steamship inspector  
29 on the stand, we would be very pleased to have one  
30 here to go further into this. But I think that I  
will file the regulations.





1 One is entitled "Life Saving Equipment  
2 Regulations Made Under the Canada Shipping Act Approved  
3 by Order-in-Council PC 1957-875" and the other one  
4 is "Life Saving Equipment Regulations Amended by PC  
5 1960-759."

6 MR. JACQUES: This will be Exhibit 1188.

7  
8 ---EXHIBIT NO. 1188: Life Saving Equipment Regulations  
9 Under Canada Shipping Act Approved  
10 by Order-in-Council PC 1957-875  
and Life Saving Equipment Regu-  
lations Amended by PC 1960-759.

11 THE WITNESS: With a copy of the  
12 report on the annual inspection of the CANADA PILOT  
13 NO. 4, which is the Syney Pilot Boat, dated by the  
14 inspector on April 11th, 1963.

15 MR. JACQUES: As Exhibit 1189.

16  
17 ---EXHIBIT NO. 1189: Report on annual inspection on  
18 CANADA PILOT NO. 4, dated April  
11th, 1963.

19 THE WITNESS: Now, My Lord, I have  
20 the statement showing the trips performed to and from  
21 California.

22 MR. LANGLOIS: My Lord, before we  
23 proceed any further, yesterday I suggested that probably  
24 we should get a certificate of inspection for the  
25 ships used as pilot boats. Would this be done at a  
26 later stage?

27 MR. JACQUES: Would the Commission  
28 wish to have filed all the inspection certificates?

29 THE CHAIRMAN: Of all the boats?

30 MR. LANGLOIS: Used as pilot boats.









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1 THE CHAIRMAN: All across Canada?

2 MR. LANGLOIS: To see if there is a  
3 standard established on life saving equipment of all  
4 these boats.

5 THE WITNESS: You speak of private  
6 vessels, Mr. Langlois?

7 MR. LANGLOIS: Yes.

8 THE WITNESS: Some of them, of course,  
9 would not come under steamship inspection. The smaller  
10 ones would not come under steamship inspection.

11 MR. LANGLOIS: We have done part of  
12 that in Quebec and it was done in Montreal. I do not  
13 think we have it for the other Districts. It was done  
14 for the private boats in Quebec.

15 MR. JACQUES: Yes, it was done for  
16 the private boats in Montreal, Three Rivers, Quebec --  
17 and I do not think it was done elsewhere.

18 THE CHAIRMAN: In any event what we  
19 are going to do, we are going to ask our Secretary  
20 to look at the records and to have them completed.

21 You mean that in British Columbia,  
22 for instance, we will have to have the one at Cape  
23 Beale, Port Alberni, one at Triple Island. There is  
24 also one on the northern tip of Vancouver Island  
25 which is used once in a while, so we have three outside  
26 Department boats.

27 MR. JACQUES: May I say here information  
28 on the certificates however was filed. They were cited  
29 by the Commission at the hearing and reference was  
30 made to the certificates generally.





1 MR. LANGLOIS: But they were read into  
2 the record. In Quebec they were.

3 MR. JACQUES: The date. Some of the  
4 orders of the Quebec Public Service Board were read  
5 into the record.

6 THE CHAIRMAN: Should it be desired  
7 to have them for comparison purposes and study we  
8 will have them out and put them under one number for  
9 all the Districts. So we are going to ask our  
10 Secretary to look into the matter and to contact the  
11 Department of Transport to tell them what exactly  
12 he wants.

13 THE WITNESS: Whatever the Commission  
14 requires on this we will be glad to provide.

15 THE CHAIRMAN: We are going to give  
16 a number right away. That will be 1189.

17 MR. JACQUES: We may as well use the  
18 same Exhibit number for all inspection certificates.

19 MR. LANGLOIS: Thank you, My Lord.

20 THE SECRETARY: Is this the last one  
21 that the Commission wishes?

22 THE CHAIRMAN: Yes.

23 THE SECRETARY: Which would be what --  
24 1963?

25 MR. JACQUES: Inspection certificates  
26 of pilot boats.

27 THE SECRETARY: It has been every year?

28 THE WITNESS: Yes.

29 THE SECRETARY: That would be the 1963  
30 one?





1 THE CHAIRMAN: On pilot boats privately  
2 owned or government owned?

3 THE SECRETARY: 1963 inspection  
4 certificates for pilot boats.

5 THE WITNESS: If you like to go up  
6 to the last one that was issued, there might be some  
7 issued this year also.

8 THE CHAIRMAN: That is right.

9 MR. JACQUES: We had better say the  
10 latest inspection certificate.

11 THE WITNESS: Because this depends  
12 upon the date when they did the last one, you see.  
13 They are supposed to have it every year.

14 ---EXHIBIT NO. 1189: (To be produced): Latest  
15 inspection certificates on pilot  
16 boats.

17 THE WITNESS: Now we come to B.C., My  
18 Lord, and the lists, the statements showing the trips  
19 performed to and from California and trips performed  
20 to and from Alaska. We started to put this into evidence  
21 yesterday morning, as you recall, and I was not able  
22 to explain the significance of the first heading. We  
23 have it now with more explanations on this, so I think  
24 that there will be no need for me to read them into the  
25 record.

26

27

28

29

30









1 Annexed to the statement will be specimen copies of  
2 source cards.

3 THE CHAIRMAN: Thank you.

4 MR. JACQUES: So this bundle is Exhibit  
5 1160.

6  
7 --- EXHIBIT 1160: Bundle of documents showing  
8 trips made by B.C. pilots to  
9 California from B.C. and  
10 from Alaska, for the years,  
11 1961, 1962 and 1963; together  
12 with examples of source cards  
13 for such trips.

14 THE WITNESS: My Lord, I referred yesterday  
15 to a letter which, in my mind's eye, I could see, from  
16 Captain Parker, saying that the pilots in Sydney had  
17 agreed to this 5%. Well, we hunted for this letter,  
18 but I am afraid it was mythical, and that what I had in  
19 my mind's eye was the evidence of Captain Parker here,  
20 and may I refer the Commission to page 3711 of Volume  
21 33 in which Captain Parker said, about Article 6 in  
22 the bylaws,

23 "A meeting of the Committee was called  
24 whereby this matter was discussed and a quick  
25 calculation showed that if we dropped these  
26 vessels, or raised the exemption on the British  
27 vessels to 1,000 tons, which would include  
28 practically all the Canadian National vessels,  
29 with the exception of the WILLIAM CARSON and  
30 CABOT STRAIT, with an increase of 5% imposed on  
the larger vessels, it would be almost completely  
equitable. The pilot's then agreed to this."

This is just an indication that this was discussed with





1 the pilots at length before this was done.

2 We were asked to produce a letter from the  
3 Shipping Federation to the Department on the question of  
4 appointing an additional pilot in Sain John. I have  
5 a copy of the letter here. It is dated January 29th  
6 1964, addressed to Captain D.R. Jones by Captain J.E.  
7 Matheson, Assistant General Manager of the Shipping  
8 Federation of Canada, Incorporated, and the meat of the  
9 letter is this:

10 "...I have to advise that the Federation has  
11 no serious objection to the licensing of Mr. B.  
12 Boutilier, with the provision, however, that this  
13 new pilot would be restricted to vessels of small  
14 tonnage for the remainder of this year.

15 In submitting our views in this connection,  
16 it is appreciated, however, that any final decision  
17 must remain with the Pilotage Authority, and we  
18 would appreciate receiving your advices in due  
19 course as to your decision in this matter..."

20 MR. JACQUES: This will be Exhibit 1190.

21  
22 --- EXHIBIT 1190: Letter dated January 29th  
23 1964, addressed by the  
24 Assistant General Manager of  
25 the Shipping Federation of  
Canada to the Superintendent of  
Pilotage, with respect to the  
appointment of a pilot for the  
Saint John district.

26 MR. JACQUES: Q. Another question was  
27 asked several days ago with respect to the pension  
28 payable to Captain Gosse's widow. Captain Gosse, firstly,  
29 if he had retired on December 31, 1963, would have  
30 received a pension of \$3,265 per year. Mrs. Gosse at





1 the moment receives a pension of \$900 per year until  
2 death or re-marriage. Miss Gosse, a 16 year old child,  
3 receives a pension of \$816.31 per year until she has  
4 reached the age of eighteen; and to the widow and  
5 the child we must add a return of up to 60% of the  
6 yearly pension which would have been paid to Captain  
7 Gosse; that is, 60% of \$3265... I am sorry; the 60%  
8 is 60% of the amount contributed by Captain Gosse.

9 THE CHAIRMAN: I see.

10 MR. LANGLOIS: In connection with the  
11 calculation you made in connection with Exhibit 1190,  
12 which is the letter from Captain Matheson to Captain  
13 Jones in regard to the request for an additional pilot  
14 in Saint John, when were you first informed that the  
15 Shipping Federation was opposed to this request?

16 THE WITNESS: My Lord, this question of  
17 an additional pilot for Saint John has been under  
18 discussion for, I think, years, and I am quite sure  
19 that the previous attitude of the Shipping Federation  
20 had been expressed against any addition. But, in any  
21 case, upon receipt of this letter -- after receipt of  
22 this letter -- the pilotage authority, shall I use  
23 the expression, dug its heels in on this and refused  
24 to just accept this as a final decision to change  
25 the decision.

26 I have no doubt that if we search we can  
27 find letters from the Shipping Federation in which they  
28 expressed opposition to any increase in the numbers in  
29 Saint John, but I haven't it this morning. If you  
30







1 want it I can produce it in September.

2 MR. LANGLOIS: What I had in mind was  
3 if we were talking about the same request, because the  
4 other day when you were questioned by Mr. Jacques you  
5 said that one of the reasons why the request had not been  
6 granted was because the Shipping Federation was  
7 opposed to it?

8 THE WITNESS: Not as the only reason, of  
9 course; but the Department's attitude in this matter  
10 was definitely strengthened by the attitude of the  
11 Shipping Federation, which, I may say, is the same  
12 attitude whenever additional pilots are required;  
13 because the Shipping Federation always feels that  
14 following a request, or following an increase in the  
15 numbers of pilots, it almost inevitably follows that  
16 there will be, if not right then, at a little later date,  
17 a request for an increase in dues.

18 MR. LANGLOIS: That is why I don't  
19 understand, if this refusal was one of the reasons,  
20 or if this objection to the appointment was one of  
21 the reasons, why was it that when you received the  
22 okay from the Shipping Federation you dug your heels in?

23 THE WITNESS: I didn't say I dug my heels  
24 in. I said that the Pilotage Authority had dug its  
25 heels in.

26 MR. LANGLOIS: But the Pilotage Authority  
27 very often accepts your advice?

28 THE WITNESS: Not always, Mr. Langlois.  
29 I have to justify recommendations that I make, and  
30





1 I have failed in this respect.

2 MR. JACQUES: Q. If we may now turn to  
3 St. John's, Newfoundland?

4 A. Yes, My Lord. Well, I did have some  
5 notes on this, but in the "kafuffal" this morning and  
6 last night I seem to have mislaid them. However,  
7 I think I can talk off the cuff as long as you don't  
8 request any dates.

9 I did outline fairly thoroughly, in the  
10 hearings of the Commission in June, the position of the  
11 Department with regard to pilotage in Newfoundland  
12 generally.

13 Now, whatever I have said at the hearings last  
14 week with respect to the Department's position with  
15 regard to local commissions on the mainland -- local  
16 pilotage authorities on the mainland -- applies with  
17 greater force to these pilotage districts in Newfoundland,  
18 including St. John's, so far as the legal aspect of  
19 the thing goes. We have no control, so far as we are  
20 aware, over the pilotage districts in Newfoundland except  
21 where they wish to have an order in council passed  
22 to amend bylaws, in which case here, again, we must be  
23 the channel between the local pilotage authority and  
24 the Governor-in-Council.

25 I think, perhaps, to go back a little, with  
26 regard to St. John's, Newfoundland, one of the questions  
27 asked was how the Department became involved in St. John's  
28 pilotage? Well, this goes back to the union of New-  
29 foundland with Canada, and it was found that before union  
30







1 the St. John's Harbour and Pilotage Commission had a  
2 harbour master who was also the examiner of masters  
3 and mates and was also the superintendent of pilotage.  
4 At the time of union we stated that we would permit this  
5 arrangement to continue at least for the time being in  
6 order that no greater expense would be involved, and  
7 this meant our appointing the then examiner of masters  
8 and mates, who, of course, was under the province,  
9 under the situation as it was before -- we appointed him  
10 as our examiner of masters and mates under the Canada  
11 Shipping Act, in view of the fact that the other  
12 provisions of the Canada Shipping Act, except that  
13 pertaining to pilotage and one section in the registry  
14 portion would apply to Newfoundland upon union.

15 Well, we appointed the examiner of masters  
16 and mates cum harbour-master cum-superintendent of  
17 pilots as our examiner of masters and mates, and we  
18 allowed him to continue as harbour master and as super-  
19 intendent of pilots after union, although he was on  
20 salary as examiner of masters and mates under the  
21 Department of Transport; and he received an honourarium  
22 from the local pilotage commission -- local harbour  
23 pilotage commission -- for the duties which he performed  
24 for the harbour, which included his pilotage duties.

25 Now, with the close connection that this forced  
26 on the situation between pilotage and the Department of  
27 Transport, through the same person acting as examiner  
28 as well as superintendent of pilots, the situation  
29 inevitably brought the Department more closely into the  
30







1 picture, and we came into contact more than we would  
2 otherwise have done with the pilots in St. John's; and  
3 we were asked for advice and opinion on certain things,  
4 and we, of course, as we do with all local commissions,  
5 tried to be helpful.

6           As I explained, it has been appreciated for  
7 some years that it is desirable to bring pilotage in  
8 Newfoundland under the same rules and laws as exist in  
9 other parts of Canada, and we have been working towards this  
10 end.     The delay has been caused partly by virtue of the  
11 fact that in St. John's, Newfoundland, the situation in  
12 the harbour is tied up very closely with it, and also  
13 the straight fact of the difficulty of getting minor  
14 government legislation through, particularly in the past  
15 few years, when there have been changes of government  
16 and elections breaking into normal legislative functions.  
17 But, as I remarked yesterday, we think that we are on  
18 the road now, and we hope that by the end of the year we  
19 will be able to have Part 6 proclaimed, in which case we  
20 will have new bylaws and the situation will be as legalized,  
21 as you might say, as anywhere else in Canada.

22           We still have to come to conclusions,  
23 particularly with regard to St. Johns, as to the actual  
24 status of the St. John's district with regard to pilotage.

25           COMMISSIONER SMITH:       When Part 6 is pro-  
26 claimed it will change the system of assessing pilotage  
27 in the harbour there insofar as these foreign fishing ships  
28 are concerned, as I understand it?

29           THE WITNESS:       No, Mr. Smith; it won't  
30 change the situation with regard to the foreign shipping





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1 vessels because they are not exempt now and they would  
2 not be exempt after Part 6 is proclaimed, because  
3 Section 346 provides for the exemption of fishing  
4 vessels registered in Her Majesty's Dominions.  
5 The only change would be for the few British fishing  
6 vessels that now enter the port and who did not employ  
7 pilots would be exempt from payment.

8 COMMISSIONER SMITH: But as I understand it  
9 -- correct me if I am wrong -- under the international  
10 agreement on GATT any foreign country that extends  
11 privileges to our fishing ships or other craft are  
12 entitled to the same equivalent treatment and consideration  
13 in our harbours? --  
14  
15  
16  
17  
18  
19  
20  
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30





1 Q. You see, what Mr. Smith means, if  
2 Portugal were to say that Canadian fishing vessels  
3 should pay pilotage in Portugal, it might imply they  
4 were under a treaty obligation to grant the same  
5 privilege.

6 COMMISSIONER SMITH: Exactly.

7 THE WITNESS: Yes. This is a point  
8 I can understand but the point is that we have had no  
9 representations to this effect yet. This would require  
10 an amendment to the Canada Shipping Act.

11 COMMISSIONER SMITH: Evidence was  
12 given there I think by the Chairman of the Commission  
13 who mentioned this fact that if there was a change,  
14 if Part 6 was proclaimed, it would put the pilotage  
15 operation -- I think to use his expression -- "in the  
16 red" in the harbour there because of the complication  
17 with regard to these fishing craft.

18 THE WITNESS: Well, the basis of  
19 his remarks in that respect was not valid, Mr. Smith,  
20 because the Canada Shipping Act still applies and no  
21 arrangement that might be made through GATT would  
22 have effect until the Canada Shipping Act would be  
23 changed.

24 COMMISSIONER SMITH: Yes, of course.

25 THE WITNESS: So all I can say is  
26 we have had no representations to this effect yet  
27 and the immediate result would be only with regard to  
28 these British fishing vessels that might enter the  
29 port.

30 COMMISSIONER SMITH: But the Canada







1 Shipping Act will be changed because the government  
2 of the country has agreed to this treaty. I mean,  
3 that would follow as a matter of course.

4 THE WITNESS: Well, Mr. Smith, we  
5 have not been informed on this point.

6 COMMISSIONER SMITH: Well, it was  
7 raised there in St. John's and it is a very important  
8 fact so far as they are concerned.

9 THE WITNESS: I do not see what  
10 difference this makes because they do not exempt  
11 these fishing vessels now. If this arrangement is  
12 between the Government of Canada and the government  
13 concerned, it would not only apply -- it would not  
14 depend upon the proclamation of Part 6. It would  
15 have -- any Act that is in effect would have to be  
16 changed accordingly.

17 COMMISSIONER SMITH: Yes, but they  
18 pay now and with Part 6 proclaimed and the necessary  
19 amendments made to the statutes, they would not pay  
20 in the future and that revenue would be lost.

21 THE WITNESS: We have no information  
22 on this, Mr. Smith. We have no reason to believe this  
23 is the case.

24 MR. JACQUES: Q. Was there not a  
25 bill submitted to the House some time in ---

26 MR. LANGLOIS: That was what I was  
27 about to say. The situation was fully debated, My Lord,  
28 before the Senate Transportation Committee in connection  
29 with the introduction of Bill S3, where the officials  
30 of the Department of External Affairs tried to use the





1 same line of argument that Mr. Smith is using.

2 THE WITNESS: Oh yes, there is a  
3 little difference here. That is to say External  
4 Affairs were referring to old treaties, some of them  
5 100 years old which had been fallen into -- been forget-  
6 ten for many years and they were concerned with the  
7 letter of the law as is natural, the letter of the  
8 treaties.

9 COMMISSIONER SMITH: Of course, there  
10 are also Most Favoured Nation clauses.

11 THE WITNESS: Yes, Mr. Smith.

12 COMMISSIONER SMITH: As well as GATT.

13 THE WITNESS: This is so and the  
14 complaint was, Mr. Smith, there because of the provisions  
15 of the Canada Shipping Act --

16 MR. LANGLOIS: Was it not in connection  
17 with this bill S3 a suggestion made by External Affairs  
18 Department to the effect that the Canada Shipping Act  
19 should be amended in order to comply with the treaty  
20 obligations by Canada?

21 THE WITNESS: This is so. This is  
22 correct. The amendment which was suggested at that  
23 time was to take away the words "registered in Her  
24 Majesty's Dominions" at that time so that fishing  
25 vessels or ships engaged in fishing would be exempt,  
26 irrespective of their flag, which would take away  
27 this measure objectionable to External Affairs Depart-  
28 ment but to nobody else, apparently, that there was  
29 discrimination against these other countries' ships.

30 Now, as everybody is aware, My Lord,







1 this did not -- this was not approved by Parliament.

2 MR. JACQUES: Might we at this moment  
3 file, as Exhibit 1191, a copy of the Bill S3 with  
4 copies of the Hansard and other publications relating  
5 to the debate?

6 MR. LANGLOIS: Amend that to the  
7 Standing Committee on Transportation.

8 MR. JACQUES: We have filed other  
9 materials so I can file this.

10 THE CHAIRMAN: What you say, Captain,  
11 is that the situation is the same or this obligation  
12 is the same whether Part 6 is proclaimed or not?

13 THE WITNESS: Yes, this is my  
14 contention, My Lord.

15 THE CHAIRMAN: It does not change  
16 anything as far as you are concerned and if Canada  
17 is obligated and the necessary amendment would have  
18 to be made in the Newfoundland laws.

19 THE WITNESS: This is exactly my  
20 point, My Lord, that we would have to adjust the  
21 Newfoundland law which is still in effect if they  
22 wanted to give effect to this new measure, which is  
23 mentioned here.

24 MR. LANGLOIS: The experts of the  
25 Department of External Affairs were taking exactly the  
26 same view as you are taking now, Captain Slocombe,  
27 claiming that unless Canada amended its Shipping Act  
28 it was in violation of its treaty obligations.

29 THE WITNESS: This is so, Mr. Langlois,  
30 but I repeat what I said a moment ago. This is







1 objectionable apparently to nobody but External Affairs.  
2 None of the other countries have raised any objection  
3 to this and in these treaties -- Most Favoured Nation  
4 treaties and so on, there is a clause, I believe,  
5 if I remember rightly, saying this shall not apply  
6 or not interfere with any country making special  
7 laws for its coasting trade and so on.

8 MR. LANGLOIS: I do not know if  
9 we have that in these treaties. I know we have that  
10 in Merchant Shipping Agreement, a clause to that effect  
11 saying that any country has the right to make especial  
12 regulations for their coastal trade.

13 THE WITNESS: I think that is also  
14 in some of these other treaties which are quoted  
15 in Hansard which will all be filed and the Commission  
16 will be able to refer to it.

17 MR. JACQUES: Might we file, together  
18 with this document, copies of an article published in  
19 the Canadian Bar Review, volume 39, pages 557 to 602,  
20 entitled "Treaties and the Right of Transits on the  
21 St. Lawrence," by H. J. Lawford of Queens University.

22 ---EXHIBIT NO. 1191: Copy of Bill S3 and Hansard and  
23 other publications relating thereto  
24 and Canadian Bar Review, volume 39,  
pages 557 to 602.

25 MR. JACQUES: Q. Now, would your  
26 comments made so far cover question one?

27 A. I think so, with my remark, sir, to  
28 the Court in Cornerbrook as quoted in volume 26 of the  
29 hearings.  
30





1 Q. In Cornerbrook?

2 A. Yes, and the hearings, yes.

3 Q. Question 2 is to be answered later.

4 Question 3 --

5 A. I think I have answered that, My Lord,  
6 Question 3. Well, I can expand a little bit on that.

7 Q. The thing is that apparently there  
8 were two attempts to proclaim Part 6 and the two have  
9 failed. Is there any precise reason?

10 A. This is -- I wouldn't say two attempts.  
11 This has been worked at gradually and each time we  
12 have come up to the pitch where we thought it was  
13 about to be done something had happened. It might  
14 have been an election which destroyed all that had  
15 gone before or something, or there was just not  
16 time for the Cabinet to consider the matter or  
17 something like this, but I think that I was saying  
18 that we still have to decide what will be the status  
19 of the St. John's pilots when Part 6 is declared,  
20 whether the Minister of Transport will be the  
21 pilotage authority or there will be a local Commission.

22 Q. No decision has been reached yet?

23 A. As far as we are concerned recommend-  
24 ations will be that the Minister of Transport will be  
25 the pilotage authority because we have discussed -- we  
26 have invited the present members of the St. John's  
27 Harbour and Pilotage Commission to remain or continue  
28 as member of the local authority under the Canada  
29 Shipping Act and the negotiations became a sort of  
30 horse trade, as if this was going to be a favour to us.







1 And the conditions that were laid down by Mr. Grieve,  
2 Chairman of the Local Harbour and Pilotage Commission,  
3 were just not possible under the Canada Shipping Act.

4 So, it has been, I think I can say --  
5 it has been decided now definitely that if Part 6  
6 is proclaimed that St. John's harbour will be a  
7 District under which the Minister of Transport is the  
8 pilotage authority. This is unless, of course, there  
9 is a change made in policy.

10 COMMISSIONER SMITH: Unless it is  
11 taken in under the National Harbours Board?

12 THE WITNESS: Oh yes, this is so.  
13 This may be. But of course we think that something  
14 will be done before the report of this Commission  
15 will be made, just even as a temporary measure but  
16 something perhaps like you mentioned, Mr. Smith, might  
17 be a consummation devoutly to be wished.

18 MR. JACQUES: Q. Question number 4:  
19 Apparently there was some approach made to the pilots  
20 to have them on the government payroll. Reference  
21 was made to that by Mr. Grieves in his examination  
22 in volume 19, page 2198.

23 A. Yes, I did have some notes on this  
24 this morning but I think I can speak from memory;  
25 that the St. John's pilots were asked if they would  
26 prefer to go on a steady salary.

27 Q. Were asked by whom?

28 A. By the departmental officials in  
29 the discussions which have gone on for many years now  
30 and, of course, it depended upon the conditions under







1 which they would be employed after such a change.

2 The rate which was put forward or  
3 was recommended by the Labour Department on this was  
4 at that time, which was about 1961, \$600.00 a month  
5 and this was not considered sufficient by the pilots  
6 and the Labour Department was pressed a little and  
7 they were willing to go as far as \$650.00 a month  
8 but this -- we understood -- that the St. John's pilots  
9 had something far in advance of this so it has been  
10 dropped there.

11 MR. LANGLOIS: So there was some  
12 kind of horse trading there again?

13 THE WITNESS: Here again, My Lord, we  
14 do not care. We are informing the pilots of a  
15 possibility which would be open to them if they so  
16 desired.

17 Now, we can only go so far in the  
18 description of what would be offered to them if they  
19 wished to become government employees and change their  
20 status completely, but we have not got any further on  
21 this.

22 If the pilots wanted to pursue the  
23 matter further, we would be glad to continue on their  
24 representations.

25 MR. JACQUES: Q. This Commission  
26 was made aware in its hearings that there was extensive  
27 coastal pilotage done in Newfoundland. Has the Depart-  
28 ment ever had thoughts of regulating this coastal  
29 pilotage or creating something similar to the B.C.  
30 Districts?





1           A.       It is similar to the B.C. Districts  
2 now. These pilots are permitted to go outside their  
3 Districts under special arrangements which they make  
4 themselves with the ships concerned. We saw no  
5 objection to this under the present circumstances  
6 certainly and we would not have any objection under  
7 the circumstances if the Minister became the pilotage  
8 authority any more than we would have in B.C.,  
9 provided the local needs were met.

10                   The thought of -- we have thought  
11 of bringing this or extending the District, but here  
12 we come up against the problem of compulsory payment  
13 of pilotage dues and this would create complications  
14 as need not be explained.

15                   THE CHAIRMAN: We have had evidence  
16 also that the St. John's pilots might not be in  
17 sufficient numbers at times and they were obliged  
18 to have these coastal jobs done by former pilots that  
19 had retired.

20                   MR. LANGLOIS: My Lord, with respect, I do  
21 not know if this is the right place, but I have  
22 received instructions from the pilots in St. John's  
23 to make a supplementary submission to the Commission  
24 in this regard.

25                   If Your Lordship thinks this is the  
26 appropriate time, I can read into the record just now  
27 a letter received from the pilots in this regard.

28                   THE CHAIRMAN: That would be quite  
29 all right.

30                   MR. LANGLOIS: The letter was dated at







1 St. John's in Newfoundland, April 6th, 1964. It  
2 was addressed to Mr. Leopold Langlois, Langlois, Lord  
3 and Pinsonnault, 126 St. Peter Street, Quebec.

4 "1. With reference to your letter of  
5 September 10th, 1963 and our reply dated September 13th,  
6 1963, concerning Coastal Pilotage, I wish to advise  
7 you that the St. John's pilots as a group are now  
8 unanimously in favour of continuing Coastal Pilotage  
9 on the coast of Newfoundland. The following opinion  
10 and comments submitted by St. John's pilots is  
11 unanimous.

12 "2. At the present time, in the absence  
13 of any regulation whatever, a person with no  
14 Pilot's Licence of any kind, no certificate of  
15 competency, no experience in handling large ships,  
16 but an elementary knowledge of the coast is free  
17 to undertake Coastal Pilotage, and may obtain such  
18 work on the recommendation of a shipping agent to  
19 the ship Master.

20 "3. It is our opinion that Coastal Pilots  
21 should be competent, experienced and preferably  
22 licensed. If licensing is introduced, at least one  
23 of the person approving such licence should be a  
24 competent and experienced Coastal Pilot. The issuance  
25 of a licence should be based on a satisfactory record  
26 of experience or training, knowledge of the coast, and  
27 the certificate of competency held by the applicant.

28 "4. About two or three pilots are necessary  
29 to be available at all times to handle Coastal Pilotage,  
30 because several ships could, and have, required pilots







1 about the same time followed by a lengthy period of  
2 no requirement for Coastal Pilots. Also, the work  
3 tends to be seasonal during bad weather of the early  
4 winter and during the late spring when Arctic ice  
5 is present on the coast.

6 "5. There is not sufficient demand for  
7 Coastal Pilots or remuneration to warrant several  
8 Coastal Pilots being available at all times to handle  
9 Coastal Pilotage only.

10 "6. The St. John's pilots are the only  
11 group available throughout the year for part-time  
12 or occasional Coastal Pilotage on request from ship  
13 Masters or agents.

14 "7. Pilots from the St. John's Service  
15 are competent and experienced Coastal Pilots, they  
16 have undertaken Coastal Pilotage for many years and  
17 have been repeatedly requested by the same ships  
18 and shipping companies.

19 "8. The combined experience of the  
20 St. John's pilots covers practically all ports,  
21 places and routes where a coastal pilot is liable  
22 to be required, so the most suitable pilot can therefore  
23 be available for any particular request. St. John's  
24 pilots are experienced in navigating through Arctic  
25 ice which is most important to a Master with no  
26 experience in ice.

27 "9. The St. John's pilots have a record  
28 of no accidents during any coastal pilotage performance.

29 "10. The St. John's pilots are agreeable that  
30





1 several of their pilots, as necessary, undertake  
2 coastal pilotage upon request from shipping, utilizing  
3 off-duty time, while efficiently maintaining the  
4 pilotage service at the port of St. John's.

5 "11. The St. John's pilots are agreeable  
6 to having any coastal pilotage performed by  
7 them to come under the jurisdiction of the present  
8 St. John's Pilotage Commission.

9 "12. The St. John's pilots request that  
10 you submit the foregoing opinions and comments to  
11 the Royal Commission on Pilotage at your discretion,  
12 or if you consider it advisable you may incorporate  
13 it into your submission on coastal pilotage on behalf  
14 of the St. John's pilots.

15 Yours very truly,

16 J. F. Puddester, Chairman,  
17 Pilots' Committee."

18 Captain Gatheral will be available  
19 later on to answer any questions or further comments  
20 on this.

21 THE CHAIRMAN: Do you wish it to be  
22 filed? It is read.

23 MR. JACQUES: No.

24 THE CHAIRMAN: You will attach it  
25 to the St. John's pilots' brief that was already  
26 filed under the same number.

27 MR. LANGLOIS: My Lord, probably I  
28 could add to this. I have not them here today, but  
29 I can send them later on -- testimonial letters  
30 received from shipping companies commenting very







1 favourably on the work performed in the past by  
2 the pilots in St. John's on the coast. Probably  
3 this could be added to this.

4 THE SECRETARY: The St. John's  
5 pilots' brief, My Lord, was filed in St. John's on  
6 April 6th and was given number 254.

7 ---ADDITION TO EXHIBIT NO. 254: Letter from St. John's  
8 pilots addressed to  
9 Mr. Langlois dated  
10 6th April, 1964 together  
11 with letters of  
12 testimonial from ship-  
13 ping companies to be  
14 produced.

15 MR. JACQUES: Q. Now, Captain  
16 Slocombe, question 6: If pilots are private  
17 contractors, why are they allowed to come under  
18 unemployment insurance and workmen's compensation?

19 A. I can answer that one very quickly,  
20 My Lord. We cannot allow or disallow anything to do  
21 with the St. John's pilots. It is not our business  
22 yet. But if we were representing the pilotage  
23 authority of St. John's, I think that we certainly  
24 would not object to any provision which the appropriate  
25 government department, be it provincial or otherwise,  
26 would provide for the benefit of the pilots. If the  
27 appropriate department were willing to accept pilots  
28 into whatever measure is concerned, we certainly would  
29 not object.

30 Q. And question 7, please?

A. This I think we referred to once  
before, about the T4 forms which our own supervisors  
issue on behalf of the pilots. I said then that the







1 word "employer" in the source form is not necessarily  
2 a strict -- it should not necessarily be defined in  
3 a strict legal sense, but merely as being the party  
4 or the office who distributes the money and issues  
5 the form.

6 THE CHAIRMAN: It is a matter of  
7 convenience?

8 THE WITNESS: It is a matter of  
9 convenience, My Lord, yes.

10 MR. JACQUES: Q. It is perhaps an  
11 admission on the part of both the pilotage authority  
12 and the pilots as to the nature of their relationship?

13 THE CHAIRMAN: It is a matter of  
14 convenience.

15 THE WITNESS: It is not intended  
16 this way, Mr. Jacques. The matter has never been  
17 thought of at all.

18 MR. JACQUES: Q. Question number 8,  
19 please?

20 A. Why do not the by-laws provide a  
21 rate for disembarking injured persons? Well, this  
22 is a matter of the local authority again, but I do  
23 not think we would put a rate in the by-laws for  
24 such an incident if we were responsible for the  
25 by-laws. This is something that surely would be an  
26 emergency which any seaman would not hesitate to  
27 provide assistance in and I think that the matter of  
28 payment for it is not something that would be in the  
29 by-laws.

30 THE CHAIRMAN: Maybe the question was





1 due to the fishing fleet being there, so for seamen  
2 injured it is like an ambulance service.

3 THE WITNESS: Yes, My Lord. I  
4 think that as the boat in St. John's now belongs to  
5 the Department of Transport with Department of  
6 Transport employees as Master and so on and crew,  
7 the charge for the boat going out to get an injured  
8 person would be a matter between the Crown and the  
9 person concerned. I am told that we do in fact  
10 make the usual charge for this boat service just as  
11 you would for an ambulance, I take it.

12 MR. JACQUES: Q. Question number 9?

13 A. This has given some concern to us  
14 in the past, this matter of the pilots being involved  
15 in the mooring operations of ships, the boatmen's  
16 operations.

17 Q. More or less as contractor for  
18 providing service with mooring lines?

19 A. We have no objection to this  
20 provided the pilot is not doing the job himself  
21 and provided the departmental vessel is not being  
22 used for this.

23 Q. But is it not in contradiction to  
24 the usual provision of your by-law that a pilot must  
25 not be otherwise gainfully employed?

26 A. If the gainful employment is done in  
27 the way of a business, this is not what that by-law  
28 means. As Your Lordship is well aware, there are  
29 many pilots in the St. Lawrence who are engaged in  
30 businesses apart from their pilotage duties. But the







1 by-law in that respect when it does exist means that  
2 they cannot have any other salaried position.

3 MR. LANGLOIS: There are exceptions  
4 to that. For example, you have the case of Captain  
5 Dussault in Quebec who is, I hope, gainfully employed  
6 by your Department.

7 THE WITNESS: You are correct, Mr.  
8 Langlois, -- but with the approval of the Department;  
9 with the approval of the pilotage authority. We  
10 should not forget that this provision in the by-laws  
11 does say "unless approved by the pilotage authority".  
12 It is not a flat prohibition as far as I recall.  
13 Maybe I had better look.

14 THE CHAIRMAN: Of course, this  
15 raises the question of the possibility of getting  
16 into unfair conflicts with other people providing  
17 the same service and they are the ones who are going  
18 to call for that service and be near to the agent  
19 and so on. So therefore it could be unfair  
20 competition. Therefore, if there is a void there,  
21 if there are no other people providing the service,  
22 there is no objection, but if there are other persons  
23 providing the service, then there is an unfair  
24 conflict. The authority will have to look into the  
25 matter.

26 THE WITNESS: This is so, My Lord.  
27 I have no doubt the person injured would not be  
28 backward in complaining and then, of course, the  
29 matter would have to be looked at again.

30 MR. JACQUES: Q. But it might be the







1 very service which is injured from the gainful  
2 activities of pilots?

3 A. The which service?

4 Q. The pilotage service.

5 A. Of course, in this case ---

6 THE CHAIRMAN: Might be injured, you  
7 said?

8 MR. JACQUES: You are correct. The  
9 by-law provides that the consent of the authority  
10 may be given to being otherwise gainfully employed.

11 THE CHAIRMAN: And you said that the  
12 service might be injured. I would correct this and  
13 say possibly also that the service may be much better  
14 if good service is provided and if it was a bad one  
15 or there was no service provided before.

16 MR. LANGLOIS: My Lord, there is  
17 evidence that in effect the shipping industry in  
18 St. John's are quite satisfied with the service and  
19 it is performed at their request.

20 THE WITNESS: This is so, My Lord.  
21 This is what I have felt myself. If nobody objects  
22 this is really the most efficient way to do it, because  
23 the pilots are so close to the job that the fact that  
24 they have a connection with it should not in itself  
25 be objectionable.

26 THE CHAIRMAN: They can coordinate  
27 the whole matter?

28 THE WITNESS: This is so, My Lord.  
29 But we still have to think of the by-laws that they  
30 should not be doing the job themselves.





1 THE CHAIRMAN: The next step will  
2 be providing the tugs!

3 THE WITNESS: Yes.

4 MR. JACQUES: Q. Question 11 deals  
5 with local pilotage in several places in Newfoundland,  
6 -- in Clareville, Long Pond, Catalina, Wabana, Manuel,  
7 St. George's, Port au Port.

8 A. I think, My Lord, I have put my  
9 own feeling on record last week in this matter. I  
10 do not think where there is only one, one or two  
11 pilots involved, that this should require regulation  
12 by the government, but this is a matter of opinion  
13 and I am only expressing my own opinion on this.  
14 With regard to these small places we have not  
15 interfered in any way.

16 THE CHAIRMAN: And the reason  
17 behind this is that pilotage may give service to  
18 shipping. If there is no need for more than one  
19 pilot it means there is almost no shipping there,  
20 so therefore there is no need to put the organization  
21 of such a service into effect?

22 THE WITNESS: This is my view, My  
23 Lord, that it is the intention of pilotage to serve  
24 shipping and if the shipping agencies responsible  
25 for the care of the ships in the port concerned are  
26 able to arrange this themselves to the benefit of the  
27 port, I would say we have no reason to interfere.

28 MR. JACQUES: Q. Question 12: There  
29 is a half pilotage charge made by the District to  
30 put coastal pilots on board. A ship calling at St.







1 John's or heaving to in the entrance of St. John's  
2 would take a coastal pilot on board?

3 A. This is not in the by-laws, as far  
4 as I am aware. Of course, as I say, the by-laws are  
5 not our by-laws. They are made by the local Commission  
6 and this is a matter in which we have not interfered.  
7 I think that if we were making new by-laws and we  
8 were taking consideration of the coastal pilotage,  
9 one perhaps would have something like this in the  
10 tariff to take care of it.

11 THE CHAIRMAN: In any event the  
12 employment of a coastal pilot does not come under  
13 any by-law?

14 THE WITNESS: This is correct, My Lord.

15 THE CHAIRMAN: So therefore it is a  
16 private agreement and it is just mentioned there  
17 that it is a private agreement?

18 MR. JACQUES: If a person is in a  
19 compulsory District instead of paying the full charge  
20 of being in that District, they pay half a charge  
21 because of the coastal pilot.

22 THE CHAIRMAN: The question we have  
23 here is putting a coastal pilot aboard.

24 MR. JACQUES: Yes.

25 THE CHAIRMAN: For that service this  
26 is not compulsory; there is no compulsion in that.

27 MR. JACQUES: There is compulsory  
28 payment when the ship goes through the District.

29 THE CHAIRMAN: That is all right.

30 THE WITNESS: This is just, as I said







1 before, crossing an invisible line in the water. If  
2 this compulsory payment is chargeable for such an  
3 occurrence then I think there is something wrong  
4 with the law.

5 THE CHAIRMAN: That is right.

6 MR. JACQUES: Q. Question 13: There  
7 was a pension scheme suggested to the pilots in 1956?

8 A. Not by us, My Lord. We did not  
9 suggest a pension scheme to them. In the various  
10 discussions that we have had we may have discussed  
11 what has been in other Districts and I am quite sure  
12 that we advised them against trying to set up a pension  
13 scheme of their own for such a small group of men,  
14 because we are trying to get away from this. This  
15 has not been a success in other places.

16 Q. I am reading from Mr. Grieve's  
17 evidence, volume 20, page 2367, when he refers to  
18 the minutes of his own Commission.

19 "In the minutes of the 19th January, 1956  
20 there is a record of a letter having been received  
21 from Ottawa referring to the pilots' pension plan.  
22 This was in reply to, as I believe, a verbal request  
23 to Ottawa to come up with some suggested scheme."

24 A. Well, we have no recollection of any  
25 formal discussion on this point. As you know, there  
26 is provision in the present by-laws for the amount  
27 of \$50.00 being put aside from the revenue.

28 Q. Yes, a benevolent fund?

29 A. This is so. Well, this is the only  
30 pension scheme that they have. But I am quite sure --





1 and I repeat this -- that whatever we did say to  
2 them we did not recommend to them any attempt to  
3 set up a new pension scheme. We may have suggested  
4 to them that they might take it up with an insurance  
5 company or something like this, but we would not  
6 suggest any attempt at setting up a pension scheme  
7 for such a small group in view of our experience  
8 with the others.

9 Q. The other groups?

10 A. The other groups, yes.

11 Q. Question 14 refers to the pilot  
12 station.

13 A. This, of course, is under consider-  
14 ation. There have been discussions on this and  
15 this, of course, would be part of any new set-up. But  
16 we are aware of the condition of the building and  
17 while the pilots are quite comfortable there ---

18 Q. Was there not an attempt to abandon  
19 that station and have the offices in the Post Office  
20 building?

21 A. This was a suggestion and the  
22 office now is in the Post Office building. There is  
23 a move to move it across to the other side of the  
24 harbour.

25 Q. But I mean the pilots' own office?

26 A. The pilots' own station?

27 Q. Yes.

28 A. Oh, I believe this was thought of  
29 but the latest recommendation, shall I say, is along  
30 the same lines as the pilots' -- to keep them where they







1 are if we can.

2 Q. Question 15, I believe, has been  
3 answered. It refers to the effect of proclamation of  
4 Part 6 of the Canada Shipping Act.

5 THE CHAIRMAN: Before passing to the  
6 other local Commissions, I am wondering whether there  
7 are any other questions to be asked of Captain  
8 Slocombe on St. John's?

9 COMMISSIONER SMITH: I just have one,  
10 My Lord.

11 Captain, I have not got the terms  
12 of the Federation agreement; it may be covered in  
13 that. Perhaps you can help me unscramble this in  
14 my mind. The harbour of St. John's is operating  
15 under a provincial statute, as I understand it,  
16 and the Government in Council there, or the top  
17 authority in the Province, approved of the by-laws  
18 under which the harbour is operating. When there is  
19 need to have those by-laws amended, as I understand  
20 your evidence, they come to Ottawa to get the  
21 necessary amended legislation passed. There seems  
22 to be some kind of a tangled situation there and I am  
23 not able just to get it clear in my mind. There  
24 must be some good reason why they do not go back  
25 to the provincial legislator and get the by-laws  
26 amended rather than going to Ottawa, but I do not  
27 understand it. Can you understand it?

28 THE WITNESS: Vaguely, Mr. Smith.  
29 As I understand it since Confederation the laws of  
30 Canada are in effect which say that navigation and







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1 shipping comes within the jurisdiction of the  
2 Federal Government and so the Provincial Government  
3 has not been prepared to consider any amendments to  
4 any shipping regulations since that time.

5 COMMISSIONER SMITH: Well, that  
6 sounds as though it might be the perfect answer.  
7 Thank you.

8 MR. JACQUES: I think there is a  
9 provision in the statutes of Newfoundland since  
10 Confederation to refer these matters to Government  
11 in Council. I believe so. We will look it up and  
12 have a copy of the relevant section made for the  
13 Commission.  
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1 THE CHAIRMAN: So now we are going...

2 MR. LANGLOIS: I have some questions.

3 THE CHAIRMAN: Yes; of Captain Slocombe?

4 MR. LANGLOIS: Yes.

5 THE CHAIRMAN: Please go ahead.

6 MR. LANGLOIS: Captain Slocombe, what action,

7 if any, has been taken in connection with providing a

8 new pilot boat for St. John's -- has any action been taken?

9 THE WITNESS: We moved the boat from Sydney

10 to St. John's when the St. John's boat sank. The

11 St. John's boat was sunk and we needed another boat

12 for St. John's so we moved one from Sydney.

13 MR. LANGLOIS: Have you received representations

14 to the effect that this boat was not suitable for the

15 St. John's work?

16 THE WITNESS: These representations have

17 been made, My Lord.

18 MR. LANGLOIS: And has anything been done

19 following these representations?

20 THE WITNESS: We replied, and we don't

21 agree.

22 MR. LANGLOIS: The boat that sank last year --

23 has it been sold?

24 THE WITNESS: Yes.

25 MR. LANGLOIS: Or otherwise disposed of?

26 THE WITNESS: Yes, it was disposed of.

27 THE CHAIRMAN: The sinking of the pilot boat

28 has taken place since the Commission was sitting in

29 Newfoundland?

30 THE WITNESS: Yes.





1 MR. LANGLOIS: Will you tell the Commission  
2 the circumstance surrounding the sinking of the pilot  
3 boat?

4 THE WITNESS: When Pilot Gatheral is on  
5 the stand he can describe that better than we can.

6 MR. LANGLOIS: Has the boat been disposed  
7 of now -- the boat that went to the bottom?

8 THE WITNESS: Yes. The proceeds of the  
9 sale went into the St. John's Pilotage Fund.

10 MR. LANGLOIS: Would you mind telling us  
11 what were the proceeds of the sale?

12 THE WITNESS: \$1,000.

13 MR. LANGLOIS: Now, do you know if the  
14 inspection certificate of the boat used in St. John's  
15 is limited to three miles seaward?

16 THE WITNESS: This would depend upon the  
17 local steamship inspector. He would probably ask how  
18 far she would go out and he would adjust his certificate  
19 accordingly if he felt it was safe.

20 But this will be among the steamship  
21 inspection certificates which will be produced.

22 MR. LANGLOIS: Thank you, My Lord. These  
23 are all my questions of Captain Slocombe.

24 I have here the testimonial letters I  
25 referred to and which, with your permission, I will  
26 file now.

27 There is a letter from Captain Henry Taylor of  
28 the SEEKONK. There is another one from Captain David  
29 G.M. Price, master of the same vessel, the SEEKONK.  
30







1 By the way, this vessel is an Irving Oil vessel.

2 There is another one from Captain W.C. Chisholm,  
3 master of the IRVING BIRCH.

4 THE CHAIRMAN: Is that the Captain Chisholm  
5 we had? He is not piloting any more?

6 MR. LANGLOIS: It is a tug.

7 Finally, I have a letter from Captain D.  
8 Bagoris, master of the IRVINGWOOD.

9 In addition to that I have here a file  
10 received from the St. John's pilots in connection with  
11 coastal pilotage, including -- and I will read the  
12 index:

- 13 1. Letter dated 1st June 1962, from St. John's  
14 pilots to Mr. Butt, Bottwood.
- 15 2. Letter dated 6th June from Mr. Butt to St.  
16 John's pilots.
- 17 3. Letter dated 11th June from St. John's pilots  
18 to Mr. Butt.
- 19 4. Distance table used by St. John's pilots for  
20 coastal pilotage.
- 21 5, 6 and 7 Statements of coastal pilotage and earnings  
22 by St. John's pilots, 1961, 1962 and 1963.
- 23 8. Invoices for coastal pilotage performed by  
24 St. John's pilots.
- 25 9. Statement of reasons for undertaking coastal  
26 pilotage.
- 27 10. Letter dated 7th November 1961, from St.  
28 John's pilots to Mr. H.J. Polk.
- 29 11. Letter dated November 28 from W.O. Nelson  
30 to St. John's pilots.





12. Extract of port information supplied by  
Golden Eagle Refining Company.

13. Letter dated June 4, 1962, from W.O. Nelson  
to St. John's pilots.

14, 15 & 16 Statement of pilotage and earnings at  
Holyrood for 1961, 1962 and 1963.

17. Copy of pilots' submission to pilotage  
Commission, 30th April 1962.

This is the submission to the local pilotage hearing,  
and I will quote from the last paragraph:

"It is submitted that the St. John's pilots  
are providing a necessary professional service  
at Holyrood comparable to pilotage provided at  
other tanker terminals. It is submitted that by  
virtue of having commenced and continued this  
pilotage service, the St. John's pilots are  
entitled to official Government recognition in  
preference over any group or persons who may  
interest themselves in the matter. It is re-  
quested that the St. John's pilots be given  
recognition as the official pilots for Holyrood.

Could this be filed?

--- EXHIBIT 1192: Folder containing testimonial  
letters, together with file  
from St. John's pilots in  
connection with coastal  
pilotage.

MR. JACQUES: If we may turn, now...

THE CHAIRMAN: We are going to adjourn now  
for a few minutes. I suppose that after the adjournment  
you will be going to Lewisport; so that you will be





1 going to stop with Captain Slocombe now and start with  
2 Captain Gatheral?

3 MR. JACQUES: That is right.

4

5 --- Recess

6

7 MR. JACQUES: In connection with Exhibit  
8 1160, concerning trips made outside the district by B.C.  
9 pilots, I should like to annex to it another document  
10 giving the number of trips to and from Washington in the  
11 State of Oregon for 1961, 1962 and 1963.

12

13 --- Document giving number of trips to and from  
14 Washington, in the State of Oregon, for 1961,  
15 1962 and 1963, attached to Exhibit 1160 at this  
16 stage.

16

17 MR. JACQUES: There were no trips in 1961  
18 and none in 1963; so the information is for 1962.

18

19 THE CHAIRMAN: That means including the  
20 Puget Sound trips?

20

21 MR. JACQUES: Yes; Washington and Oregon.

21

22 THE CHAIRMAN: There were none in 1963 and  
23 we know why.

23

24 MR. JACQUES: And none in 1961, and we know  
25 why.

25

26

27 JOHN GATHERAL, sworn

27

28 DIRECT EXAMINATION BY MR. LANGLOIS

29

30 Q. Would you mind telling us what happened  
to your pilot boat in St. John's last winter?







1 A. The one that sank?

2 Q. Yes, the one that sank?

3 A. Well, My Lord, this pilot boat --  
4 we have been making applications to the Department of  
5 Transport for the past five years in connection with  
6 that boat.

7 THE CHAIRMAN: This is the one we were on  
8 when we visited the harbour and went outside, when the  
9 Commission was there?

10 MR. JACQUES: No; we were on a CNR boat.

11 MR. LANGLOIS: We would not take that chance  
12 with the Commission!

13 MR. JACQUES: The one which sank -- do  
14 you recall its name?

15 THE WITNESS: No. 2.

16 MR. LANGLOIS: Q. Would you tell us what  
17 happened -- the circumstances of the sinking?

18 A. It was the 1st of January -- the first  
19 part of January -- and there was very little ice on  
20 the harbour at the time; there was about half an inch  
21 of local ice; and when the pilot boat came back to the  
22 pier they discovered she was sinking; and then  
23 they discovered that the half inch ice had cut through  
24 the plank; and we found the fact that the plank was  
25 very rotten.

26 THE CHAIRMAN: That was the hardwood plank  
27 there? --

28 MR. JACQUES: The sheeting was rotten?

29 THE WITNESS: The sheeting was rotten, and  
30 the plank.





1 MR. LANGLOIS: Q. Was this greenhart  
2 sheeting?

3 A. Yes.

4 Q. Did I understand you to say that you had  
5 previously warned the pilotage authority of the condition  
6 of the boat?

7 A. Yes; the boat was 15 years old. For  
8 the past ten years we considered the boat was too old  
9 to be suitable for this work. She was made of wood;  
10 and in our consideration when a boat gets ten years old  
11 she should be replaced.

12 THE CHAIRMAN: On account of the ice?

13 THE WITNESS: On account of the wood.

14 THE CHAIRMAN: On account of the wood?

15 THE WITNESS: Yes.

16 MR. LANGLOIS: Q. When had this boat been  
17 inspected by the steamship inspection service before the  
18 sinking?

19 A She was inspected every year. On one  
20 occasion about five years ago she was up at the dry dock  
21 for annual overhaul. When the overhaul was finished  
22 the boat was supposed to be ready for operation, and  
23 there was one of the men discovered the stern was rotting;  
24 so they called the carpenter down and he confirmed that  
25 the stern was rotting; and she was already after being  
26 passed by the inspector. The boat had to be taken off  
27 immediately and a whole new stern had to be put in.

28 --- Off the record discussion.

29 MR. LANGLOIS: Q. Do you know what  
30





1 navigation limits are mentioned in the inspection  
2 certificate of this boat?

3 A. No, I don't know that.

4 Q. How far to seaward did you use to go  
5 with this boat?

6 A. On occasions, with screened ships --  
7 captains that haven't got no charts -- sometimes we  
8 were five or six or seven miles; the ship will come off  
9 the port and starboard that distance out; and sometimes  
10 we have to wait for him; we could wait for him maybe  
11 all night. There was nothing else for us to do only  
12 to go out to him no matter how far out he is.

13 Q. Are there any emergency or survival  
14 rations carried?

15 A. Nothing to my knowledge aboard the boat.

16 Q. Any fresh water -- drinking water?

17 A. There is in this new boat now from  
18 Sydney; there are tanks of fresh water; but there is no  
19 food of any kind.

20 In one case this winter, in January, the  
21 pilot boat got a call from Air Sea Rescue. There were  
22 two men sighted from Cape Spear out at sea. They were  
23 two fishermen. It was in the night time and the pilot  
24 boat was requested to go. I wasn't on duty -- I wasn't  
25 there -- at the time, but they did go, and they were about  
26 14 miles out when they picked up and rescued the two  
27 men. The weather was very bad at the time.

28 Q. How far out, did you say?

29 A. 14 miles.  
30







1 Q. Now, I understand the pilots of  
2 St. John's have voiced their opinion as to the  
3 suitability of the Sidney boat that they are using  
4 now. Would you mind telling the Commission what this  
5 is all about?

6 A. Well, the Sidney boat, as far as  
7 we can understand from the Sidney pilots, she has been  
8 built not for a harbour boat but a boat that is  
9 built for a harbour in Sidney and a boat that is  
10 built for a pilot boat out of St. John's, an outside  
11 boat, there is as much difference as an oil company  
12 building a cargo boat as an oiler. The boat was not  
13 built for St. John's. She ain't suitable.

14 THE CHAIRMAN: How does she perform?

15 THE WITNESS: She is too quick and  
16 the railing around the boat -- she ain't suitable  
17 at all.

18 MR. JACQUES: Is she dry?

19 THE WITNESS: She is dry but she  
20 is so quick that you cannot go near a ship with her.  
21 She is built up on the top with spaces about six  
22 or eight inches from the side to begin with and then  
23 she can't sail -- and there is a wire cable running  
24 fore and aft as a hand line, a guard wire catch, but  
25 a lot of these trawlers, when you get near them --  
26 and their railing is round -- if you can't catch  
27 something that is solid that you can depend on, you  
28 are overbalanced and you are too far away from the  
29 wire behind you to reach it.

30 MR. JACQUES: Could a hand rail be





1 installed on the boat?

2 THE WITNESS: It would be suitable,  
3 but that is for fine weather. We can use her for  
4 fine weather. We cannot use her in rough weather.  
5 She is not suitable at all to go near a ship in rough  
6 water.

7 Our relief boat there is 12 years  
8 old. She was never considered a pilot boat at the  
9 time she was built. When we want to perform we  
10 take her to go near.

11 MR. LANGLOIS: You mean the one  
12 that went to the bottom?

13 A. No, there is another old one, a  
14 relief boat, our second boat. Pilot boat number one.

15 Q. Have not your pilots considered  
16 building their own pilot boat?

17 A. It has come to the stage now where  
18 we have been in communication with the Harbour Pilotage  
19 Commission and they have been working on getting a  
20 new boat for the St. John's District from the  
21 Department of Transport for some length of time. They  
22 showed us a copy of -- they have copies of letters  
23 between the Department of Transport and himself to us  
24 and the last letter they had from the Department of  
25 Transport, the Department of Transport completely  
26 turned down the idea of a new boat. They said the  
27 boat we have from Sidney was suitable to their minds  
28 for us, but the boat may be suitable in the Ottawa  
29 River but there is a lot of difference in the Ottawa  
30 River and outside St. John's.







1 Q. How often is your pilot boat  
2 required to carry out search and rescue operations?

3 A. Quite often. Quite often. In  
4 the wintertime there is no other boat available there  
5 and we are called quite often.

6 Q. Now, Captain Gatheral, in connection  
7 with this further submission by your St. John's  
8 pilots in connection with coastal pilotage, does  
9 the submission, which has been read into the record,  
10 represent the views of all the pilots of St. John's?

11 A. Yes, it does, unanimously.

12 Q. Do you have any further comment to  
13 make on this submission?

14 A. No, sir.

15 THE CHAIRMAN: Thank you, Captain.

16 MR. JACQUES: With respect to the  
17 coastal pilotage, when we were in St. John's the  
18 evidence showed that all the pilots were not  
19 unanimous on doing coastal work and the reasons  
20 adduced by the witnesses were they thought all pilots  
21 were not equally competent for that job.

22 THE WITNESS: That is correct.

23 MR. JACQUES: What has happened since  
24 we were there which made the pilots equally competent?

25 THE WITNESS: Well, they are still  
26 not competent but the pilot that cannot go, that do  
27 not know the coast, they are prepared to come down  
28 and take the other men's places to look after the work  
29 in the harbour.

30 There are still only four of us







1 qualified for coastal pilotage. We mostly go in our  
2 turn when there is a job available on pilotage waters.

3 MR. JACQUES: With respect to earnings  
4 from the coastal work, would they form part of the  
5 pool?

6 THE WITNESS: It is. We pool that  
7 ourselves and at the end of the year it is all  
8 shared equally.

9 MR. JACQUES: It is shared equally  
10 by all pilots?

11 THE WITNESS: By the eight pilots.

12 MR. JACQUES: By the ---

13 THE WITNESS: Eight.

14 MR. JACQUES: Eight pilots?

15 THE WITNESS: Yes.

16 THE CHAIRMAN: The ones doing the  
17 northern run jobs?

18 THE WITNESS: Last year there were  
19 three of the pilots who were not satisfied to be  
20 connected with this. They were afraid that they  
21 would get involved on account of going outside.  
22 They thought they might lose their jobs in pilotage  
23 in St. John's. Since then we came to realize that  
24 ain't so and they agreed to work with us.

25 MR. JACQUES: But would the money  
26 be shared by all the pilots or by only those who do  
27 the northern runs?

28 THE WITNESS: Since we came to the  
29 agreement, it is shared by all.

30 MR. JACQUES: By all of them?





1 THE WITNESS: Before it was shared  
2 by five.

3 MR. LANGLOIS: Q. Is it not the  
4 case that these pilotage services were performed  
5 by pilots who were off-duty pilots?

6 A. Yes.

7 Q. Now, they are performed -- when they  
8 are performed this way these jobs are replaced by --

9 A. By men that is off

10 Q. They are pitching in for them?

11 A. Yes.

12 THE CHAIRMAN: Equalizing?

13 THE WITNESS: Yes.

14 MR. JACQUES: Since the Commission  
15 was there in May of 1963, have there been any changes  
16 in the by-laws or operation of the District, apart  
17 from those which you have mentioned?

18 THE WITNESS: None.

19 THE CHAIRMAN: No increase in the  
20 strength of pilots?

21 THE WITNESS: No, sir.

22 MR. JACQUES: No retirements?

23 THE WITNESS: No, sir, no retirements.

24 MR. JACQUES: No major accidents?

25 THE WITNESS: No accidents.

26 MR. JACQUES: Apart from the pilot  
27 boat which sank?

28 THE WITNESS: That is the only one.

29 MR. JACQUES: How has the traffic been  
30





1 since May of 1963?

2 THE WITNESS: At the present time  
3 there is a longshoreman's strike and we don't get  
4 any pilot boat. We are making it up now on account  
5 of so much ice north around the coast to Botwood,  
6 Lewisporte, and the other ports north.

7 MR. JACQUES: The stevedore strike  
8 is not settled yet?

9 THE WITNESS: No, sir, it wasn't  
10 when I left.

11 MR. JACQUES: But they did agree,  
12 I think, to unload one ship?

13 THE WITNESS: That was -- that  
14 company was prepared to go along and pay the regular  
15 rate before the strike began.

16 THE CHAIRMAN: I understand that  
17 your harbour was not enlarged but the available room  
18 was made a little larger by sweeping. Is that correct?

19 THE WITNESS: No, it was not made  
20 no larger, My Lord, but there was some shoals --  
21 there was one wreck was there on the bottom for  
22 a several number of years. That had been taken out  
23 and any old anchors or anything that would foul a  
24 ship's anchor, that could be taken out, had been done.

25 MR. JACQUES: By the trot system?

26 THE WITNESS: The trot system had  
27 been worked.

28 MR. JACQUES: So the harbour bottom  
29 has been cleaned?

30 THE WITNESS: As far as we know.









1 MR. LANGLOIS: Q. Was that done by  
2 the Public Works or by the National Defence?

3 A. By Public Works.

4 Q. Am I to understand that the traffic  
5 up the north coast this spring is heavier than it  
6 was?

7 A. There is still a lot of ice around  
8 the coast down there and it is an unusual year. On  
9 the average around the first or the middle of April  
10 the coast is clear but this ice -- I just got back  
11 from Botwood and it is impossible to go around forward  
12 or go outside to go to Botwood. There is still --  
13 the whole ocean is covered with ice down there, very  
14 heavy ice.

15 COMMISSIONER RENWICK: Captain,  
16 to refresh my memory, in number is it nine pilots?

17 THE WITNESS: Eight pilots.

18 THE CHAIRMAN: Thank you very much,  
19 Captain. We will get Captain Slocombe again.  
20  
21  
22  
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1 DIRECT EXAMINATION BY MR. JACQUES:

2 Q. Now, Captain, we are coming to the  
3 local Commission in Newfoundland; Lewisporte,  
4 Botwood, Humber Arm and Port aux Basque.

5 A. My Lord, I think all we can do in  
6 this is to file Captain Seeley's report following  
7 his visit to these Districts in 1961 in each case.  
8 Now, the Commission will find that there is nothing  
9 there, I think, that they did not find in their  
10 own visits to Newfoundland in the hearings and there  
11 are references to a report made by Captain Graves  
12 in 1959.

13 Here again, if you like, we can  
14 file this report. All it will do will be to describe  
15 conditions as he found them then and of course the  
16 whole thing will indicate, as you will understand,  
17 we have done nothing about that because it is not  
18 our business yet, so if I -- whichever you prefer.

19 THE CHAIRMAN: I think it will be  
20 appreciated if you can file that.

21 THE WITNESS: In Seeley's report  
22 and Captain Graves' report?

23 THE SECRETARY: Captain Graves was  
24 1959?

25 THE WITNESS: Captain Graves' visit  
26 was in 1959 and Captain Seeley's in 1961.

27 THE SECRETARY: That will be  
28 Exhibit 1193.

29 ---EXHIBIT NO. 1193: Copy of Captain Graves' report  
30 and Captain Seeley's report.





1 THE WITNESS: That is for Lewisporte.

2 MR. JACQUES: For Lewisporte?

3 A. That is Lewisporte. Is there  
4 anything else you want to know in Lewisporte? The  
5 questions that we have here -- any study made  
6 "affecting the compulsory payment of pilots' earnings" --  
7 well, this is all being discussed and in our draft  
8 regulations -- draft by-laws which were a start of  
9 what would eventually come in if Part 6 was declared.

10 Then we had to take into account  
11 all the conditions as they were in the port, but I  
12 may say, My Lord, that either Captain Seeley or I,  
13 myself, will make a visit to Newfoundland, probably  
14 next month, to visit these ports again to make a  
15 final discussion of the by-laws which will come into  
16 effect if Part 6 is proclaimed.

17 COMMISSIONER SMITH: I have a note  
18 here, Captain, that Mr. Layton says they have a  
19 copy of the new proposed by-laws to be passed after  
20 Part 6 of the Canada Shipping Act is proclaimed in  
21 the District and they would be an improvement over  
22 the present ones.

23 THE WITNESS: This is right, Mr.  
24 Smith. The by-laws under which they were working,  
25 as you saw during your visit to Newfoundland, were  
26 very old and did not fit the present day situation  
27 and we will, as I say, have a by-law that is similar  
28 and along the same lines as Sydney or along the lines  
29 of our local Commissions on the mainland.

30 COMMISSIONER SMITH: With regard to the







1 by-laws, Mr. Layton makes this observation. He thinks  
2 there is no kind of compulsory payment in Lewisporte  
3 which is questionable and may be debatable. I think  
4 what he is saying there is that it is a questionable  
5 and debatable matter.

6 THE WITNESS: Yes. I think this  
7 was one of the places where we found that the local  
8 person in charge did not understand the situation  
9 at all and we have to go down and make sure that they  
10 do understand what will be the situation.

11 MR. JACQUES: Q. Whilst making  
12 these surveys and during the course of the previous  
13 surveys, had the necessity of pilotage been studied  
14 or has it been taken for granted since --

15 A. In these four ports we have not  
16 questioned it so far. My Lord, I understand that  
17 one of the fears concerning this pilotage at the  
18 time of union was that the local people were going  
19 to be deprived of something they had then; that  
20 the effect of union was going to be something was  
21 going to be taken away from them. Now, of course,  
22 we have tried to allay this fear in these four main  
23 ports. We have not yet considered cancelling the  
24 District. I think perhaps our plan this year will  
25 be to make the status quo legal by proclaiming Part 6  
26 and providing for practically the same kind of  
27 operation and then following the report of the Royal  
28 Commission perhaps there will be radical changes.

29 Q. In view of the sometimes extremely  
30 low revenues derived from pilotage, has the Department





1 considered subsidizing the boat services or providing  
2 a boat service as the Department does elsewhere?

3 THE CHAIRMAN: You mean as in  
4 Prince Edward Island?

5 THE WITNESS: I cannot see that a  
6 strong case could be made for providing a boat, a  
7 departmental boat and I need hardly mention the  
8 difficulties of making a contribution to one District  
9 and not to another.

10 Q. That is what I mean. Would you  
11 consider making a contribution, say, as has been  
12 made in the Bras d'Or Lakes District and to all the  
13 local Commissions in Newfoundland except St. John's?  
14 Let us take Botwood, Humber Arm and Port aux Basque.

15 A. I think that the Department would  
16 require a lot of persuasion in this regard.

17 THE CHAIRMAN: That is why I  
18 mentioned Prince Edward Island, where the pilot is  
19 allowed to furnish his own pilot boat in each port --  
20 but that is another question. Therefore, that does  
21 not mean that because there is pilotage it has to  
22 be uniformity across Canada.

23 THE WITNESS: No, sir. Of course,  
24 the tariff should provide for sufficient remuneration  
25 to the pilot to take into account any expenses which  
26 he is required to incur himself.

27 THE CHAIRMAN: And of course, in  
28 Prince Edward Island the remuneration is not so  
29 sufficient. It is very low but they can be employed  
30 in other matters. It is not an everyday job. There







1 is very little traffic there.

2 THE WITNESS: Of course, this is  
3 the situation in these Districts of which we are  
4 speaking now. Maybe 20 or 30 ships a year. It is  
5 hardly grounds for providing governmental assistance  
6 in cases like this.

7 THE CHAIRMAN: That is why I made  
8 the comparison with Prince Edward Island. I think it  
9 is quite similar.

10 THE WITNESS: Yes, My Lord.

11 MR. JACQUES: Q. Would you care to  
12 add anything else with respect to Lewisporte?

13 A. No, sir, except after the visit to  
14 Lewisporte the local people were willing to cancel  
15 the District, we would be delighted to permit that  
16 because if there is no District and if they look after  
17 it themselves, there is no compulsory payment of dues.

18 COMMISSIONER RENWICK: What is the  
19 number of that Exhibit, please?

20 THE SECRETARY: 1193, sir. It is  
21 Captain Grave's report in 1959 and Captain Seeley's  
22 visit in 1961.

23 Q. You may now turn to Botwood.

24 A. Here again, My Lord, I will file a  
25 copy of Captain Grave's report in 1959 and a copy of  
26 Captain Seeley's report in 1961.

27 Q. These will be Exhibit 1194.

28  
29 ---EXHIBIT NO. 1194: Report of visits to Botwood by  
30 D.P.A. officials.







1 THE WITNESS: Here again you will see  
2 that the information obtained by these two officers  
3 is the same as the Commission found in the visit  
4 to this place. There has been a change since, I  
5 believe, in the membership of the local Commission.  
6 I do not think that Mr. Antle is at present a member  
7 of the Commission, but I am not sure.

8 Q. It appears that there were representa-  
9 tions made to the Department for assistance to provide  
10 a new boat. This is found in volume 25, pages 2742 and  
11 2744?

12 A. Yes. We have had representations  
13 from the local Commission in this case for assistance  
14 in providing a new boat and they were told that this  
15 assistance could not be provided and that other local  
16 Commissions were expected to provide their own boats  
17 in Canada -- and, of course, the situation was much  
18 more sore, if I may put it that way, in Newfoundland since  
19 Part 6 of the Canada Shipping Act is not proclaimed.

20 COMMISSIONER RENWICK: Excuse me, that  
21 would not read very well -- your saying "in Canada" and  
22 saying so and so in Newfoundland.

23 THE WITNESS: In the rest of Canada,  
24 please insert. Thank you, Mr. Renwick.

25 I do not think I need say any more  
26 about that, Mr. Jacques.

27 MR. JACQUES: Q. There was a surcharge  
28 being made, being levied by the pilotage authority.  
29 Would you enlighten us on the case in Mr. Antle's  
30 evidence, volume 25, page 2743? I read as follows:





1 "Q. Now, as regards these surcharges, has  
2 there ever been any complaint from the ship owners?

3 "A. We have had several inquiries, and I  
4 would say complaints about the high surcharge rate. We  
5 always informed them that it was done with the advice  
6 of the Department of Transport and by the authority  
7 of the Botwood Pilotage Commission."

8 What would be the "advice of the  
9 Department of Transport" in connection with that?

10 A. I think that they must provide in their  
11 own by-laws; if they needed money for the boat they  
12 had to provide it by possibly a surcharge, and this  
13 is what we told them. So they instituted this surcharge,  
14 but I am afraid they did not do it legally. Anyhow  
15 nobody seems to have complained.

16 Q. By the way, would the draft of proposed  
17 by-laws be similar for all the Districts in Newfoundland?

18 A. Along general lines. The format was  
19 the same but there might be differences to take care  
20 of the individual ports' needs.

21 MR. JACQUES: In view of the differences,  
22 My Lord, it might be advisable to file a draft of the  
23 proposed by-laws for all these Districts. I know some  
24 of them were filed in Newfoundland, but not all of them,  
25 so we will check to see which have been filed and which  
26 have not.

27 THE WITNESS: We would like to file,  
28 if you do not mind, My Lord, our latest ones that we  
29 propose now to present to them.

30 MR. JACQUES: Very well.





1 THE CHAIRMAN: Under a new number  
2 altogether?

3 MR. JACQUES: Under a new number  
4 altogether.

5 THE WITNESS: And in September, if  
6 you will permit me then, I will put in evidence  
7 the copy of the by-laws which in the meantime we will  
8 have submitted to them.

9 THE CHAIRMAN: 1195.

10 MR. JACQUES: 1195 -- draft of  
11 supposed by-laws for the Districts. Would that include  
12 St. John's?

13 THE WITNESS: Yes, it can, yes. We  
14 should have this ready by that time.

15 MR. JACQUES: For all the Pilotage  
16 Districts of Newfoundland, together with your report  
17 on the proposed trip.

18 THE CHAIRMAN: Well, we will see that  
19 then.

20 ---EXHIBIT NO. 1195: (To be produced): Draft of  
21 proposed by-laws for all the  
22 Pilotage Districts of Newfoundland  
23 together with Captain Slocombe's  
24 report on proposed trip.

24 COMMISSIONER SMITH: Captain, while  
25 we are on the question of the by-laws, I am reading  
26 from the statement put in by hand, and this is what it  
27 says:

28 "In 1961 the Pilotage Authority suggested  
29 that the service charge could be reduced to 30% and  
30 asked that the Department prepare an appropriate amendment









1 to the by-laws."

2 Then this says here: "This has never  
3 been done". This statement has been made a couple of  
4 years ago, I think. Has there been anything done about  
5 it since then -- this service charge?

6 THE WITNESS: No, there has not, Mr.  
7 Smith, and we just cannot understand why it has not  
8 been. Maybe it is just because they have not followed  
9 the matter up with us; but this thing has not yet  
10 been made regular. But of course we hope -- I am afraid  
11 we have not felt it was too urgent in view of the  
12 imminence, as we thought, of declaring Part 6 so this  
13 would be taken care of. I am afraid that this  
14 particular matter has dropped into limbo because of the  
15 other pressing matters that have been pressing on us.

16 COMMISSIONER SMITH: There are some  
17 recommendations in the brief here. I do not know  
18 whether they have been ---

19 THE WITNESS: For which place?

20 MR. JACQUES: For Botwood?

21 COMMISSIONER SMITH: For Botwood.

22 THE WITNESS: We have not done anything  
23 about the briefs that were put to the Commission.

24 COMMISSIONER SMITH: None of these  
25 recommendations has been even passed on to the other  
26 Departments by Public Works?

27 THE WITNESS: I do not think we have  
28 acted at all on anything that was put in the briefs to  
29 the Commission.

30 COMMISSIONER SMITH: I will not question





1 it then.

2 MR. JACQUES: Q. Humber Arm, please?

3 A. I here file a copy of Captain Seeley's  
4 report of 1961 and attached to this, unless it is  
5 already in evidence, a copy of a document of October 17,  
6 1941 made by the Department of Public Works of St.  
7 John's, Newfoundland -- this is the Provincial Department  
8 of Public Works -- having to do with the applicable  
9 statutes. This may be of interest to the Commission.

10 Q. Yes. It is one of the questions as  
11 to who was the harbour authority in Humber Arm.

12 A. I have a statement here on this that  
13 has been given us by the Harbours Branch of the  
14 Department and I will read it, if you will permit me.

15 Q. Yes?

16 A. "At Union it was found that the  
17 management of certain harbours had been vested in  
18 local Harbour Boards set up under Act No. 34 of 1934.  
19 By the terms of Union this Act was placed under the  
20 administration of the Minister of Transport and  
21 consideration was given to disbanding the Boards as  
22 a group to be followed by proclamation of the harbours  
23 under the Canada Shipping Act. However, it was finally  
24 decided to permit the Boards to carry on and to deal  
25 with them individually as the time seemed opportune.

26 "In due course as Harbour Commissioners  
27 resigned or retired two of the Boards were formally  
28 disbanded. The harbours proclaimed under the Canada  
29 Shipping Act and Harbour Masters appointed -- that is,  
30 Grand Bank in 1960 and Botwood in 1961, again along







1 similar lines as in mind with the remaining Boards  
2 at Bona Vista, Cornerbrook, Fortune and Harbour Grace.

3 "The present situation at Cornerbrook"  
4 -- this is Humber Arm, I guess, My Lord -- "is as  
5 follows: Departmental records contain a reference to  
6 Chapter 179 of the Consolidated Statutes, third series  
7 1916 entitled 'Out Port Pilots and Pilotage' as the  
8 authority for setting up this Harbour Board in 1941.

9 "Since 1953 the Commissioners have  
10 operated only as a pilotage body with little or no  
11 emphasis on harbour administration. There is no  
12 Harbour Master, no harbour regulations, apart from  
13 pilotage, reinforced, no harbour dues are collected.  
14 It is apparent however that until the Act setting up  
15 this Harbour Commission is repealed the three men  
16 active as Pilotage Commissioners are also Harbour  
17 Commissioners, although in this capacity they are not  
18 active."

19 Does this answer the question? This  
20 statement is from our Harbours Branch, who are  
21 assumed to understand this.

22 Q. Yes. Would you have Captain Grave's  
23 report on Humber Arm?

24 A. Yes. Captain Grave's report on  
25 Humber Arm of 1959 is also here.

26 Q. So as Exhibit 1196 we have three  
27 documents -- Captain Seeley's report, Captain Grave's  
28 report and also a document emanating from the Public  
29 Works Department of Newfoundland in respect to Humber  
30 Arm?







1 A. Correct.

2  
3 ---EXHIBIT NO. 1196: Reports of Department of Transport  
4 officials on Humber Arm and  
5 document on Humber Arm from Public  
6 Works Department.

7 Q. You may recall that we had evidence  
8 dealing with a piece of land at Frenchman's Cove which  
9 was to be surveyed and title was to be obtained to  
10 that piece of land. Would you have any information on  
11 that?

12 A. I have a note on this to this effect --  
13 there is no record of any correspondence on this  
14 subject, but a discussion with our Harbours Branch  
15 reveals that this is not an uncommon situation in  
16 Newfoundland. If the Humber Arm pilots have been  
17 using the building which they took over for 30 years  
18 they would likely have little trouble establishing  
19 title if they were to push the matter.

20 Q. But you do not know whether title  
21 was obtained or not?

22 A. There is further reference in 1950  
23 by the Board of Harbour and Pilotage Commission  
24 Cornerbrook to the valuation of the land and pilot  
25 station at Frenchman's Cove at \$1,000.00, which would  
26 indicate they felt then that it was their property.  
27 This is all I have on this.

28 Q. So there is no information whether  
29 title was actually obtained or not?

30 A. No. I imagine the title is a little  
shaky.





1 COMMISSIONER SMITH: Captain, in  
2 the evidence of the Chairman, I think, of the local  
3 Commission in Cornerbrook, Mr. Hotani asked the  
4 Commission to help in persuading the Government to  
5 proclaim Part 6 of the Canada Shipping Act and that  
6 government help for the pilot boat should be awarded.  
7 It is somewhat of a contradictory situation. In  
8 St. John's, where we were, they did not want Part 6  
9 proclaimed. When we got to another part of the  
10 island they wanted it. Do you have any comments to  
11 make on that type of situation?

12 THE WITNESS: Yes, Mr. Smith; the  
13 situation is different. They are acting under  
14 different Acts and there had been some difficulty  
15 experienced by the Pilotage Commissioners at Cornerbrook  
16 with regard to certain by-laws in the past, certain  
17 situations which had existed in the past and there was  
18 an opinion expressed, a legal opinion expressed, that  
19 the whole by-laws were ultra vires.

20 THE CHAIRMAN: A judgment?

21 THE WITNESS: A judgment, thank you.  
22 And this, I think, came out -- I am not saying anything;  
23 it was not in the evidence we got in Newfoundland, Mr.  
24 Smith.

25 THE CHAIRMAN: The judgment was not  
26 appealed from -- the first instance judgment?

27 THE WITNESS: I see. We hope that  
28 the proclamation of Part 6 will change the situation  
29 there. The question is, why would they wish to have  
30 Part 6 proclaimed and St. John's not? I think that







1 St. John's wants to have Part 6 proclaimed too. It  
2 is just that they are hoping for the best terms  
3 possible, shall we say. In Cornerbrook it is just a  
4 matter of getting proper legal authority to run the  
5 District, and this is what will be provided by the  
6 proclamation of Part 6.

7 COMMISSIONER SMITH: I rather gathered  
8 the opinion in St. John's that they were not in favour  
9 of having Part 6 proclaimed because they were afraid  
10 if it was proclaimed they were going to lose revenue.

11 THE WITNESS: I think that -- or I  
12 thought that we had convinced them that this was not  
13 the case. However, we still have to talk to them some  
14 more; I can see that.

15 COMMISSIONER SMITH: I have just one  
16 other point, Captain Slocombe. Does the same policy  
17 prevail with regard to Cornerbrook as to the other  
18 ports -- that you are not passing on any recommendations  
19 for aids to navigation or any other things that come  
20 under the Department of Public Works or other Departments  
21 of government?

22 THE WITNESS: If they were put to us,  
23 Mr. Smith, then we would pass them to the appropriate  
24 Department concerned or Branch concerned.

25 COMMISSIONER SMITH: I am thinking  
26 about any matters that were raised in the Commission  
27 hearings.

28 THE WITNESS: No, sir; I am afraid  
29 we have not taken any action, unless the Secretary of the  
30 Commission has passed these recommendations to us, in







1 which case we would have passed them right on.

2 COMMISSIONER SMITH: Thank you very  
3 much.

4 MR. JACQUES: Q. Now, we come to  
5 Port aux Basques.

6 A. Again we will file a copy of Captain  
7 Grave's report of 1959 and Captain Seeley's report of  
8 1961.

9 MR. JACQUES: As Exhibit 1197.

10 ---EXHIBIT NO. 1197: Report of officials of Department  
11 of Transport on Port aux Basques.

12 Q. The main problem in Port aux Basques  
13 is the payment of pilotage fees by the C.N.R. vessels.  
14 We have been referring to information containing a letter  
15 from the acting Deputy Attorney General to the Secretary  
16 on the 8th December, 1955, being of the view that the  
17 C.N.R. vessels were not subject to the compulsory payment  
18 of pilotage dues. I think subsequently the Act was  
19 amended to make them subject to payment?

20 A. He was referring to the applicable  
21 Act in Newfoundland, Mr. Jacques, not to the Canada  
22 Shipping Act. The Canada Shipping Act was amended  
23 to deprive C.N.R. ships of the exemption as government  
24 ships. Of course, this did not deprive them of the  
25 normal exemption granted to coastal vessels if they  
26 were employed in the voyages described in paragraph (e)  
27 of section 346.

28 But this exemption, as you are aware,  
29 was taken away in Sidney by the Pilotage Authority under  
30





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1 the provisions of section 347.

2 Now this will be a question for the  
3 Department to decide when Part 6 is proclaimed and the  
4 by-laws are made for Port aux Basques. There will no  
5 doubt be an adjustment in the compulsory payment by the  
6 C.N.R. vessels there as there has been in Sydney.

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1 Q. Was the Department aware of the vast  
2 sums of money paid into the pilotage fund by several ships,  
3 as a matter of fact, not using a pilot?

4 A. The Department was aware of it and felt  
5 that until Part 6 was proclaimed it was not their  
6 business.

7 Q Did the Department ever have an audit of  
8 the accounts of that district?

9 A. No.

10 Q. Was the Department aware of the lease  
11 granted by one of the commissioners to the pilotage  
12 authority for a right-of-way in the amount of \$1200 per  
13 year?

14 A. Reference was made to the fact of the  
15 lease being in existence for the passage of pilots across  
16 the land of Dr. Legros, but there was no reference there  
17 to the amount. We would not have gone into that, My  
18 Lord.

19 Q. When you speak of reference, you mean...?

20 A. I am sorry; in the reports of Captain  
21 Graves and possibly Captain Seeley.

22 THE CHAIRMAN: As to an audit of their books,  
23 could you have done an audit?

24 THE WITNESS: I don't know, My Lord; this  
25 would be something for the law branch to look into; but  
26 we have been led to believe that we just had no authority  
27 there whatsoever. There is no provision in the Canada  
28 Shipping Act for an audit -- no mention of the audit of  
29 a pilotage district.

30 THE CHAIRMAN: Especially those not coming







1 under the Canada Shipping Act?

2 THE WITNESS: Yes.

3 MR. JACQUES: Q. Do you know if the  
4 bylaws of the district were ever approved by the  
5 Governor in Council?

6 A. Of St. John's -- of Port aux Basque?

7 Q. Yes?

8 A. Yes, we did assist them in 1953 to  
9 make a new set of bylaws. As I recall, the bylaws  
10 under which they were working were just a few paragraphs  
11 which were completely archaic and we helped them to draft  
12 new bylaws along the lines of, I think, Sydney, or one  
13 of the local commission harbours on the mainland.

14 Q. And do you have the reference to the  
15 order in council approving these bylaws?

16 A. I think possibly this is already on the  
17 files of the Commission, My Lord.

18 Q. I have a reference to a P.C. setting out  
19 the limits of the district -- P.C. 1953-1234 of 5th  
20 August 1953?

21 A. This is probably it.

22 I will file here, My Lord, a copy of a  
23 document "Proposed General Bylaws of Pilotage  
24 Commissioners for Port aux Basque," and it starts out:

25 "Bylaw No. 1. The Pilotage Commissioners  
26 for Port aux Basque, at a meeting duly convened  
27 for the purpose at Port aux Basque, Newfoundland,  
28 this 6th day of June, 1963, under the authority  
29 of an Act respecting outport pilots and pilotage,  
30 Chapter 179 of the Consolidated Statutes of





1 Newfoundland, 1916 enact as follows"... and then the  
2 bylaws follow; and this is signed by three members of the  
3 Commission, that is, Mr. Dawes, Mr. Legros and Mr.  
4 Dolomount.

5 Q. Could I have the order in council  
6 approving these bylaws?

7 A. I haven't it here; but this can be  
8 obtained; possibly I could get it by this afternoon.

9 Q. Well, we might just say that the copy  
10 of the P.C. will be attached to this document when it  
11 is supplied to the Commission?

12 A. You see, this I have here is called  
13 "Proposed General Bylaws."

14 MR. JACQUES: It has been filed as Exhibit  
15 278.

16 MR. LANGLOIS: Including this document?

17 MR. JACQUES: Yes, including this document  
18 bylaw No. 1; and it has been approved by the P.C. to  
19 which I referred.

20 THE WITNESS: It will be understood that  
21 when we advised the local commission on this we had to  
22 deal with it under the Act under which they were acting,  
23 not under the Canada Shipping Act, and we didn't attempt  
24 to change anything; we just tried to make it in proper  
25 legal form.

26 It won't be necessary to hand this in?

27 MR. JACQUES: No, it will not be necessary.

28 Q. Would you care to add anything with  
29 respect to Port aux Basque?

30 A. No, I don't think so.





1 THE CHAIRMAN: Are there any further questions  
2 with respect to Newfoundland?

3 --- No response.

4 THE CHAIRMAN: We will now adjourn, unless  
5 you have anything further for thr last fifteen minutes,  
6 until this afternoon, because we are not going to start  
7 with another district just for ten or fifteen minutes.

8 We will adjourn until this afternoon at 2.30.

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--- Luncheon adjournment.

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1                                   MR. JACQUES: My Lord, before we  
2                   to  
3 proceed/Churchill, I should like to file in a bundle  
4 the correspondence exchanged between the Department  
5 and a few shipping companies with respect to the  
6 compulsory payment of dues in Sidney. A reference  
7 was made to this correspondence whilst Captain Slocombe  
8 gave evidence and it was stated particularly with  
9 respect to the last amendment to the by-laws.

10                               THE WITNESS: Previous to the last  
11 amendment to the by-laws.

12                               MR. JACQUES: Previous to the last  
13 amendment to the by-laws and that would be Exhibit --

14                               THE SECRETARY: 1198.

15                               MR. JACQUES: Correspondence exchanged  
16 between the Department and several shipping lines in  
17 1960 with respect to the compulsory payment of pilotage  
18 dues in Sidney.

19                               ---EXHIBIT NO. 1198: Correspondence exchanged between  
20 the Department and several shipping  
21 lines in 1960 with respect to the  
22 compulsory payment of pilotage dues  
23 in Sidney.

24                               MR. JACQUES: In connection with  
25 Churchill I should like to file in a bundle the following  
26 documents. The first one is a memorandum drafted by  
27 the Assistant Secretary of the Commission on a visit by  
28 the Churchill pilots to the Commission some time in  
29 December, 1963; together with a memorandum drafted  
30 by the Churchill pilots dated October 18, 1963 and  
addressed to the Department of Transport.

COMMISSIONER RENWICK: Excuse me, Mr.





1 Jacques. Would you put in the words "Commission Office"?

2 MR. JACQUES: Commission Office, yes,  
3 Mr. Renwick. Another memo drafted by the Churchill  
4 pilots dated October 17, 1963 concerning aids to  
5 navigation and submitted some time ago to the Department  
6 of Transport and a memo submitted again by the  
7 Churchill pilots to the Pilotage Authority in October,  
8 1962. The memo does not bear any date. The whole  
9 group is Exhibit 1199.

10 ---EXHIBIT NO. 1199: Memorandum drafted by the Assistant  
11 Secretary to the Commission, memo-  
12 randum prepared by the Churchill  
13 pilots dated October 18, 1963,  
14 memo prepared by the Churchill  
pilots dated October 17, 1963,  
and a memo submitted by the  
Churchill pilots in October, 1962.

15 MR. JACQUES: Q. Are you aware, Captain  
16 Slocombe, of the various memos which I have mentioned,  
17 apart from the one drafted by the Commission?

18 A. Yes, that one you mentioned of a year  
19 ago I would have to find that in the file. I do not  
20 remember --  
21 (1962 memo shown to Witness).

22 A.(continued) Yes, I think I remember this,  
23 Mr. Jacques.

24 Q. What steps, if any, were taken by the  
25 Department on those memos?

26 A. Just they were considered and the  
27 pilots were told that we did not think they had  
28 anything to complain about.

29 Q. If you will turn to volume 56, page 6630,  
30







1 Captain Wagner discussed the tugboat they use as a  
2 pilot boat and it has been found, or the opinion of the  
3 pilots is that it is not satisfactory and it is even  
4 dangerous to life and limb when used to board ships  
5 in open waters.

6 A. To board ships?

7 COMMISSIONER SMITH: He says here it  
8 has a flare bow and if it meets any swell at all in  
9 a 20 mile an hour breeze of wind, you can get quite  
10 a swell and that it is practically impossible to board  
11 a ship. You have to take a chance, that it is not  
12 suitable and can be very dangerous and hazardous.

13 THE WITNESS: Well, this is the tugboat  
14 that has been supplied by the National Harbours Board  
15 at considerable expense and difficulty and this is a  
16 new tugboat.

17 COMMISSIONER SMITH: I understand that.

18 THE WITNESS: I am very sorry to hear  
19 that they still feel there is something wrong with it,  
20 but there is nothing we can do about it. I am well  
21 aware of the conditions there. It was a Coast Guard --  
22 an American Coast Guard cutter that came up when I was  
23 there and it was dangerous.

24 THE CHAIRMAN: Was it dangerous on  
25 account of the kind of ship or on account of the seas?

26 THE WITNESS: The seas, generally  
27 speaking, My Lord. You do have this problem anywhere  
28 where you board in an open roadstead like that. If there  
29 is any swell or sea you have to choose your time to  
30 jump off the ladder and particularly getting off the







1 ladder on to the pilot boat. This can be worse.

2 MR. JACQUES: Q. The bulwarks of the  
3 tug are made with half round, the top of the bulwark.  
4 The pilots have complained about that and as a remedy  
5 the National Harbours Board or some other authority,  
6 I don't know, welded a very short piece of non-skid  
7 iron on top of the half round. If my memory serves me  
8 right it is about two feet long and it was supposed to  
9 provide, in a satisfactory manner, a standing on the  
10 half round whilst boarding a ship.

11 MR. LANGLOIS: A checker plate.

12 THE CHAIRMAN: Yes, we have seen that.

13 MR. JACQUES: Q. Have you had any  
14 complaints from the pilots in that respect?

15 A. In that particular, I don't know. If  
16 there was, there is nothing we can do about it. This  
17 is the condition of the port. This is the condition  
18 of the particular District.

19 Q. Could not the pilotage division express  
20 an opinion on the suitability of that boat to the  
21 National Harbours Board and request them to make the  
22 necessary alterations so that it would be satisfactory  
23 for boarding purposes?

24 A. I don't know whether this would be  
25 possible but certainly we could bring it to the attention  
26 of the National Harbours Board. We will now. There  
27 is a lot of time before the opening of the season.

28 COMMISSIONER RENWICK: Not to change  
29 the subject but as I recollect it this boat at Churchill  
30 was acquired by the National Harbours Board at a cost of





1 nearly three-quarters of a million dollars. This is  
2 the most modern thing of its kind in the coastal waters  
3 in Canada, I believe.

4 MR. JACQUES: It was an all purpose tug.

5 COMMISSIONER RENWICK: Well, a lot of  
6 people are pretty hard to get along with.

7 MR. JACQUES: Q. On a different  
8 subject, there appears to be no examination for pilots  
9 in Churchill. Is that correct?

10 A. Well, we get whoever we can get to  
11 go up there for the short season and we judge it by  
12 the man's experience, as was done in my own case.

13 It is not a case of an examination  
14 or anything like that. It is just a matter of anybody  
15 with the necessary experience can go and do this job  
16 after being up there for a short time to see the  
17 conditions of the District which, as you are aware,  
18 the area covered is quite small. It is just a matter  
19 of watching the tides and knowing your District and  
20 this a competent man can do in a very short time.

21 Q. A submission was made some time ago  
22 by the Churchill pilots with respect to fees. They  
23 submitted to Ottawa that the fees should not be a flat  
24 fee but rather a fee based on draught, and they  
25 suggested \$2.50, \$3.00 and \$3.50.

26 A. My Lord, if we had known that the  
27 Churchill pilots were going to go on individually,  
28 we would have put them on a flat salary in the first  
29 place.

30 We allow them to keep the fees in







1 addition to their port warden's salary not expecting  
2 they would immediately start to look at the individual  
3 rates and see how much more they could make by upping  
4 the rates. We can easily change it to a flat salary  
5 but I don't think they would do as well. They are  
6 already making something in the vicinity of --

7 COMMISSIONER SMITH: I have a note  
8 here, \$3,500.00 a year and then they get \$500.00 a  
9 month, the head man as port warden --

10 THE WITNESS: This is correct.

11 COMMISSIONER SMITH: And the second  
12 man, \$450.00 a month.

13 THE WITNESS: This is correct. Yes,  
14 and we also pay board and lodging in Churchill for them.

15 MR. JACQUES: Q. For the three  
16 months they are there?

17 A. Yes.

18 COMMISSIONER RENWICK: And the  
19 transportation in and out?

20 THE WITNESS: And transportation in  
21 and out, yes. Actually, My Lord, we do not feel that  
22 the Churchill pilots have much to complain about. They  
23 compare very favourably for the short season with other  
24 pilots and better than some and they are completely free  
25 to take up any other employment they are able to get  
26 for the rest of the year.

27 MR. JACQUES: Q. With respect to  
28 the brief submitted some time ago by these pilots, we  
29 find at page 6682 of volume 56 the following comment:

30 "They" -- meaning the Department -- "they looked







1 into the matter and looked this brief over and passed  
2 it on to some members in the Treasury Department and  
3 they wrote a letter back stating that our salary as  
4 Port Warden and Deputy Port Warden plus the number of  
5 ships we were handling, they tried to say that our  
6 salary was between \$1,200.00 and \$1,400.00 a month,  
7 which is commensurate with pilots up on the Chicago  
8 run."

9 A. This is correct. I think I can find  
10 this letter here.

11 Q. But the \$1,200.00 or \$1,400.00, is  
12 that only pilotage fees?

13 A. This would be the combined fee, yes.

14 Q. The combined fee and salary?

15 A. Yes. I think this is perhaps what you  
16 are referring to there. This was on May 13th, 1963,  
17 a letter addressed to Captain Munday from Captain Graves,  
18 at that time the Superintendent of Nautical Regulations,  
19 and he was writing this letter because of the Port  
20 Warden's involvement in the pilotage and the letter  
21 says:

22 "When you passed through Ottawa last October  
23 you left with us a brief prepared by yourself and  
24 Captain Wagner with respect to your remuneration for  
25 pilotage services and Port Warden's duties at Churchill.

26 "We sent your submission to the Branch Personnel  
27 Office and to the Personnel Organization Division in  
28 order that we might have their advice. They have gone  
29 into it quite thoroughly and have provided us with the  
30 following comments: 'The duties in connection with the





1 Port Warden function are similar to those performed  
2 at other locations and the salary paid in this regard  
3 is only slightly less where the duties must necessarily  
4 be regarded as part-time since you are also employed  
5 as pilots during the same period. The effect of the  
6 two payments is to bring the monthly remuneration  
7 to something in the order of \$1,400.00 - \$1,500.00  
8 which compares very favourably with the pilots employed  
9 in the Port Weller-Sarnia area and to nearly three  
10 times the monthly pay of a classified Port Warden.  
11 Consideration has been given to the fact that your  
12 employment is seasonal and therefore, although the  
13 total of annual income is somewhat less, it is not  
14 out of line bearing in mind the extremely short season  
15 and the pay of the seasonal personnel employed as  
16 Beachmasters, etc., in Northern Operations.'

17 "No change --

18 Q. Stopping there, would you explain  
19 what you mean by Beachmasters?

20 A. These are Master Mariners who are  
21 employed by the Department of Transport to look after  
22 the discharging of the cargo on northern routes,  
23 the supplies to the DEW line and to northern station,  
24 radio stations and so on up in the Arctic.

25 These men go up and they look after --  
26 they superintend the unloading of the cargos on to the  
27 beaches by means of landing craft, generally speaking.

28 To go on with the letter:

29 'No change for the pilotage is contemplated  
30 at the present time and it is pointed out that the boat







1 fee is collected as an integral part of the pilotage  
2 charge and accrues to the pilotage revenue in cases  
3 where the pilot boat is not actually used.

4 "I am sorry that we are unable to be more  
5 encouraging in this regard. However, I think you will  
6 see that the arguments advanced by personnel services  
7 would be hard to refute.

8 "Perhaps this is not a very appropriate time  
9 to ask you, but it would help us to know whether  
10 you will be available for duty as Port Warden and pilot  
11 during the forthcoming season of navigation. Perhaps  
12 you would let me know as soon as possible in order  
13 that we may proceed with the usual arrangement."

14 And they did come back, both Captain  
15 Wagner and Captain Munday and we were very glad they  
16 did.

17 Q. Is it important that the same men  
18 return each year as pilots?

19 A. Oh, if possible, certainly because  
20 if a man has established himself there and has got  
21 familiar with the current -- the tide in Churchill --  
22 the Churchill River flows down through the harbour  
23 past the dock and also there is tides. Well, at  
24 spring tide, the ebb tide joins with the river flow  
25 and makes a current of five knots anyhow and the effect  
26 of this sometimes is to pull the spar buoys right  
27 under water.

28 THE CHAIRMAN: The mouth is very narrow?

29 THE WITNESS: The mouth of the harbour  
30 is at Mary Rock, Cape Mary and is quite narrow and this







1 is where the turn has to be made, of course.

2 THE CHAIRMAN: That is right.

3 THE WITNESS: One has to know -- there  
4 are peculiarities as there are in all pilotage Districts  
5 -- peculiarities of the tide, the current at different  
6 stages of the tide. There are undercurrents there.  
7 It sometimes happens that you have a current going  
8 down on the surface and you think this would be a  
9 good time to get away from a dock and turn the ship  
10 and so on, and you find that you cannot get away  
11 because the current underneath is keeping the ship  
12 pressed against the dock.

13 This is a pilotage problem. This is  
14 what happens in all pilotage Districts where there  
15 is a tide especially.

16 MR. JACQUES: Q. Do you know if the  
17 National Harbours Board employees receive a special  
18 remuneration as isolation money or something?

19 COMMISSIONER SMITH: Retainers?

20 MR. JACQUES: Or retainers?

21 A. I think perhaps Mr. Smith can answer  
22 this better than I can. I am not sure of the details  
23 but I know that elevator operators and so on are kept  
24 there during the winter. I don't know whether they  
25 are on full pay or not. I think -- I am speaking now  
26 of 30 years ago, of course, when I was there -- 1943,  
27 20 years ago.

28 COMMISSIONER SMITH: Thank you. Up  
29 until ten years ago -- I do not know what has happened  
30 since then -- several of them who were very important





1 people in the operation were retained on the basis of  
2 half salary. What it is today, I do not know.

3 THE WITNESS: I think that probably  
4 the conditions have improved a lot because of the  
5 general trend in employment conditions, Mr. Smith.

6 MR. JACQUES: Q. It appears that the  
7 only two employees not enjoying the benefit of  
8 retainers are the two pilots.

9 A. I think you will find that the amount  
10 that our pilots and Port Wardens earned during those  
11 three and a half months compares very favourably with  
12 the amount that the other people earn the whole year.

13 Q. It is in the vicinity of \$5,000.00?

14 A. Yes. \$5,000.00 for three and a half  
15 months' work is not too bad.

16 Q. It depends on the number of hours  
17 per day that you work?

18 A. Well, in these places you do not think  
19 about hours of work.

20 THE CHAIRMAN: Plus board and quarters.

21 MR. JACQUES: Oh, yes, room and board.

22 THE CHAIRMAN: Room and board during  
23 those months.

24 THE WITNESS: In these outlying places  
25 like Churchill you find everybody just works; it does  
26 not matter what time of the day or night it is. When  
27 they are on a fixed amount they do have overtime payment  
28 for the labourers and people like that, but anybody in  
29 a responsible position, I assure you they do not think  
30 about hours. Of course, there is nothing else for them to







1 do.

2 MR. JACQUES: Q. But is it because  
3 there is nothing else for them to do that they should  
4 not get paid -- because they have to work in order to  
5 kill time?

6 A. My Lord, this is a subject I cannot  
7 argue here.

8 Q. Anyway it has never been considered  
9 to place these pilots on a retainer basis for the rest  
10 of the year?

11 A. We have thought of this. I think it  
12 has been considered, but, as I say, if this were done  
13 all the personnel people would do would be to reduce  
14 what they get for the three and a half months. You  
15 cannot win in this, Mr. Jacques.

16 THE CHAIRMAN: The licences they are  
17 granted, are they annual licences or permanent licences?

18 THE WITNESS: They are annual licences,  
19 My Lord, for the season of navigation only.

20 THE CHAIRMAN: If one is employed as  
21 Harbour Master decides he will take only piloting in  
22 one year and will not take the other, what will you do?

23 THE WITNESS: This is Port Warden, My  
24 Lord. These are men who look after the administration  
25 of the grain loading regulations. No, we would not  
26 send him up under those conditions.

27 THE CHAIRMAN: So therefore this is  
28 just annual and it is tied up with the Port Warden  
29 duties?

30 THE WITNESS: Yes, My Lord. If I may







1 add there, the reason for this is to make a combined  
2 operation which will make it worthwhile for a person  
3 to go up there for the short season.

4 THE CHAIRMAN: For both positions  
5 also?

6 THE WITNESS: Yes.

7 THE CHAIRMAN: Do you have a large  
8 turnover of pilots -- in the last ten years, let us  
9 say?

10 THE WITNESS: We have been very  
11 fortunate, My Lord. We have had Captain Munday and  
12 Captain Wagner for .... I would have to search through  
13 the file for this, My Lord; but it has not been too  
14 bad since our present conditions were arranged. Before  
15 we had Captain Atkins who is now in our headquarters  
16 office. He was up there for a season. I think he would  
17 have gone back if he had not got the other position.

18 THE CHAIRMAN: Of course, during their  
19 search in the winter, when they find very good employment  
20 they keep it and do not return?

21 THE WITNESS: This is so. This was  
22 the case of Captain Rose who was up there for several  
23 seasons. He found better employment on the East Coast.

24 THE CHAIRMAN: But as a rule the  
25 turnover is not too large. Does it happen that next  
26 season you do not have either of the two pilots of the  
27 season -- fresh material altogether?

28 THE WITNESS: It has not happened for  
29 some time. It was, My Lord, that there was only one  
30 man up there before the shipping got to the stage that it





1 is now. They are having maybe between 60 and 70 ships  
2 there now and this has been an increase that has  
3 happened within recent years. But before that only one  
4 man was there, so if he did not come back the following  
5 season we had to get somebody new.

6 THE CHAIRMAN: I was just thinking  
7 about a way of providing pilots for there, by way of  
8 seeking pilots that are not so fully employed during  
9 the summer season. I had in mind the Halifax pilots  
10 and also the St. John pilots. They are certainly very  
11 qualified, especially the St. John pilots. They  
12 are qualified to go anywhere, I would think, from  
13 St. John, New Brunswick, and during the summertime  
14 they are not so employed because they are there for  
15 the peak period of the winter. Therefore, if the  
16 incentive is good and there is no injustice to the  
17 remaining pilots, one or two of them would be quite  
18 good piloting material for Churchill?

19 THE WITNESS: This has been thought of,  
20 My Lord, but I would like to get the reaction of the  
21 pilots on this. There are complications with regard  
22 to the pension funds and so on that would make little  
23 difficulties, but as far as we are concerned, I think we  
24 would be very glad if we could employ our own well-known  
25 pilots on this work.

26 THE CHAIRMAN: But you never found it  
27 necessary to go into all their troubles because you  
28 have had the necessary material?

29 THE WITNESS: This is correct, My Lord.  
30 If the worst came to the worst we could always send one of







1 our people from headquarters up there to fill in -- not  
2 me any more.

3 MR. LANGLOIS: There is not enough fog  
4 in Churchill for a St. John pilot.

5 MR. JACQUES: Thank you, Captain.

6 Now, if we may move to Goose Bay,  
7 please?

8 A. In this case perhaps I could just  
9 explain the outline before passing over to Captain  
10 Seeley -- just the administrative detail. Goose  
11 Bay is not a pilotage District and the pilots are not  
12 licensed pilots because of this. They are employees  
13 of the government and the provisions for paying them  
14 and so on, the tariff is set under the Financial  
15 Administration Act, which permits the Queen to make  
16 a charge for services.

17 Q. When did pilotage start in Goose Bay?

18 A. This was during the War when the  
19 Americans started to build the airports there and all  
20 the material had to be taken in there and so on.

21 Q. I refer you to PC 1960-615 which is  
22 entitled "Financial Administration Act, Goose Bay  
23 Pilotage Regulations". Are these still in force?

24 A. Yes. This is the latest one.

25 Q. Would you tell us how many pilots you  
26 have had there over the years?

27 A. I think I will hand over to Captain  
28 Seeley now, if you do not mind, My Lord.

29 Q. Would you have any statistics on  
30 traffic in and out?







1 MR. SEELEY: Yes, I have this.

2 THE WITNESS: I think Captain Seeley  
3 will have all this.

4 MR. JACQUES: I should like to file  
5 this PC 1960-615 as Exhibit 1200.

6 ---EXHIBIT NO. 1200: PC 1960-615.  
7

8 CAPTAIN CLIFFORD MELVILLE SEELEY,  
9 Sworn

10 DIRECT EXAMINATION BY MR. JACQUES:

11 Q. Captain Seeley, would you state your  
12 full name and age, please?

13 A. Clifford Melville Seeley, aged 50.

14 Q. I believe you are a Master Mariner?

15 A. That is correct.

16 Q. And your record has already been  
17 filed, so I do not think we need delve into that.

18 THE CHAIRMAN: That is right.

19 Q. You were a pilot in Goose Bay?

20 A. I was Harbour Master in Goose Bay.

21 Q. Harbour Master?

22 A. I was not employed as a pilot, but  
23 I did some piloting at times.

24 Q. When were you up there?

25 A. I was up there during the seasons of  
26 1953, 1954 and 1955.

27 Q. Three seasons?

28 A. Three seasons.

29 Q. Did you remain there during the whole  
30 year or did you return?





1 A. No. I went in approximately June 1st  
2 and came out about November 25th of each year. This  
3 varied somewhat.

4 Q. How many times were you stationed in  
5 Goose Bay in those years?

6 A. In 1953 there were two pilots employed  
7 there and in 1954 until the end of the 1962 season  
8 there were three pilots employed.

9 Q. Three pilots employed?

10 A. There are now two pilots -- or at least  
11 last year, and this year there will be two pilots  
12 employed.

13 Q. Would you supply the Commission with  
14 the names and qualifications of these pilots, please?

15 A. I can do this at a later date. I  
16 could tell you the names now, but if you want ---

17 Q. Yes. But you will tell us the  
18 names, qualifications and the time they were first  
19 employed as pilots in Goose Bay until their retirement  
20 or until they were removed from the list of pilots  
21 in Goose Bay?

22 COMMISSIONER SMITH: And their pay.

23 MR. JACQUES: Q. And their pay?

24 A. I could tell you the pay.

25 Q. Would they be listed in the diagram  
26 of the establishment which was filed some time ago?

27 A. Yes.

28 THE SECRETARY: That was filed as  
29 Exhibit 1146.

30 MR. JACQUES: Q. I show you, Captain,





1 Chart 4720, Lake Melville, which I should like to file  
2 as Exhibit 1201. I believe this chart includes Goose  
3 Bay?

4 A. Yes, and Terrington Bay.

5  
6 ---EXHIBIT NO. 1201: Chart #4720 of Lake Melville.

7 Q. And Terrington Bay?

8 A. Yes.

9 Q. Where would a pilot board a vessel  
10 on this run?

11 A. The pilot boards the vessel at the  
12 pilot station at Rigolet.

13 Q. Which we will circle in black on the  
14 Exhibit. The vessel having come in to Hamilton Inlet?

15 A. Hamilton Inlet, that is correct.

16 THE CHAIRMAN: Is that very far inland?

17 THE WITNESS: It is approximately 35  
18 miles from the coast. This is the Hamilton Inlet.

19 THE CHAIRMAN: It is sheltered water,  
20 of course?

21 THE WITNESS: To a degree. There are  
22 quite a few island, of course. It is fairly sheltered.

23 THE CHAIRMAN: And it is not too close  
24 -- the Masters do not hesitate to get in that far  
25 inland?

26 THE WITNESS: Some have. When I was  
27 up there as Harbour Master a good many of the ships coming  
28 in there did not have proper charts and they were somewhat  
29 hesitant to come in. Certainly they would not go beyond  
30 the pilot station. Since that time, of course, this area







1 has all been surveyed.

2 Q. When you say "this area" you mean the  
3 Hamilton Inlet?

4 A. The Hamilton Inlet and Lake Melville  
5 and Goose Bay. A survey was completed in 1955 and  
6 since that time I presume the charts are far more  
7 readily available.

8 Q. This boarding base, Rigolet Point,  
9 is 35 miles inland?

10 A. Approximately.

11 Q. And this channel, leading to Rigolet  
12 Point; are you able to describe it from memory --  
13 its width and depth and whether it has ---

14 A. It is in the channel itself.

15 MR. JACQUES: I think we may as well  
16 file the chart from Rigolet seaward.

17 THE WITNESS: This will be Chart 4732.

18 THE CHAIRMAN: To seaward, yes.

19 THE SECRETARY: What is the title  
20 of the Chart?

21 MR. JACQUES: Just a minute. We will  
22 file as an additional chart Chart 4724, which is  
23 Picorolak Island to Terrington Island and then Chart  
24 4732, which is the adjoining Chart to seaward, which  
25 will be Exhibits 1202 and 1203.

26 ---EXHIBIT NO. 1202: Chart #4724 of Picorolak Island  
27 to Terrington Island.

28 ---EXHIBIT NO. 1203: Chart #4732 to seaward.  
29

30 Q. That will take us to the sea?





1 A. Yes, that will take us to the sea.

2 Q. So if you wish we shall proceed with  
3 the ship inward bound?

4 A. Opposite the pilot station at Rigolet  
5 the distance across the narrows is approximately a mile.  
6 The tides, the currents, the tidal currents vary there  
7 from about two and a half to three and a half knots on  
8 a flood tide and from three and a half to five and a  
9 half on an ebb tide. This is opposite the pilot  
10 station.

11 Q. I see. Is there any building there?

12 A. There is a pilotage building. The  
13 Department erected a pilotage building, yes.

14 Q. Is this where the pilots live?

15 A. This is where the pilots live when  
16 they are out on pilot station.

17 Q. When they are out on the pilot station  
18 Captain Seeley, through what means do they board the  
19 vessels -- through a boat of what sort?

20 A. Whenever possible a Department boat.  
21 The PRIMA VISTA is stationed there as a pilot boat but  
22 this also services the buoys and the lights in the  
23 Inlet and as far as Goose Bay, so for that reason she  
24 is not always there. When the pilot boat is not there  
25 then a motor boat from the Hudson Bay Company takes  
26 the pilot out.

27 Q. I see. Apart from the pilot station  
28 is there anything else up there?

29 A. Hudson Bay Post Store and a few indian  
30 shacks and that is all there is at Rigolet.





1 Q. How long would the pilot stay on  
2 the station?

3 A. It is possible that he would be out  
4 there three, four or five days without a ship coming.

5 Q. He just waits there?

6 A. Just waiting there, yes.

7 Q. Is there a schedule or tour de role  
8 which they follow?

9 A. Well, they do whenever possible, but  
10 quite often, of course, this is impossible. When you  
11 only have two pilots to work with quite often with  
12 ships at peak periods you just have to grab whichever  
13 one is available, but it usually works out over the  
14 season they do an equal number of trips.

15 Q. Would they stay an equal number of  
16 days at the pilot station?

17 A. Oh, well, that could vary. Someone  
18 might be unlucky enough to get a series of long periods  
19 out at Rigolet.

20 COMMISSIONER SMITH: Captain, are they  
21 very busy there? Are they continually occupied on  
22 pilotage?

23 THE WITNESS: No. I have some figures  
24 here on the number of pilotage trips during the year  
25 which might show that.

26 MR. JACQUES: Q. How does one get  
27 to Rigolet from Goose Bay?

28 A. The usual procedure for the pilots is  
29 to fly them up in the spring of the year.

30 Q. Fly them to Goose Bay?









1           A.       Fly them from Goose Bay to Rigolet.  
2 This is at the beginning of the season. They take  
3 an aircraft at Goose Bay and fly out to Rigolet,  
4 land in the narrows and then a boat would take them  
5 off the aircraft. This was done by R.C.A.F. aircraft  
6 when I was up there mostly. It was sometimes U.S.A.F.  
7 But now we employ commercial planes to do this.

8           Q.       To carry the pilot back and forth  
9 between the pilot station and Goose Bay?

10          A.       When it is necessary to do so, yes.

11          Q.       When he has to go there to pick up  
12 a ship?

13          A.       Whenever possible he will go out  
14 there by plane, bring a ship in and of course take  
15 the ship out.

16          Q.       And stay there?

17          A.       And stay there. In the meantime  
18 the other man is waiting out there. He brings the  
19 ship in and takes it back out again. If the ship  
20 that he has brought in does not want a pilot on the  
21 way out, then he perhaps gets on the ship as passenger  
22 and goes out.

23          Q.       And is taken off at the station?

24          A.       That is right.

25

26

27

28

29

30





1 Q. Would you have figures on how many trips  
2 were made last year by plane between Goose Bay and the  
3 station?

4 A. We have not the figures; it would be  
5 approximately half a dozen trips.

6 Q. We will come back to the figures later.  
7 What facilities are available at the station?

8 A. In the pilot house they have running water  
9 with a shower -- a bath, I believe it is -- and electric  
10 plant; there is a generating plant.

11 Q. Cooking facilities?

12 A. Cooking facilities.

13 Q. Bedrooms?

14 A. Bedrooms.

15 Q. And supplies of food?

16 A. They take the food out with them when  
17 they go, or they buy it at the store.

18 Q. And when they purchase stores is that  
19 reimbursed to them by the Department?

20 A. When I was up there they drew the food  
21 out of the stores as well before they left -- out of  
22 the Department stores -- and took it out with them in  
23 the pilot boat.

24 Q. Have they a radio telephone?

25 A. They have a radio telephone at the  
26 pilotage station, and there is radio telephone V.H.F.  
27 and M.F. on the pilot boat.

28 Q. Now, would you point out the route which  
29 you follow coming and the main difficulties as you go  
30 along? By the way, this is very narrow. How does the





1 ship take her pilot. Does she heave to or drop anchor  
2 or slow?

3 A. She just slows down.

4 THE CHAIRMAN: How wide is it?

5 THE WITNESS: Approximately, across here  
6 (indicating), about one mile.

7 THE CHAIRMAN: In front of the boarding  
8 station?

9 THE WITNESS: In front of the boarding  
10 station, yes.

11 THE CHAIRMAN: A little wider than in front  
12 of Quebec?

13 THE WITNESS: Yes.

14 After taking the pilot aboard it comes down  
15 through the narrows past Henrietta Island. This spot  
16 here, by Henrietta Island --to the west of Henrietta  
17 Island -- is quite a narrow place and quite often  
18 if there is an ebb tide the tide will be running six and  
19 a half to seven knots there. This sometimes, I would  
20 say, gets the wind up some of the masters of ships when  
21 they first come in there, particularly if it is a big  
22 ship, because the tide runs out by this smaller  
23 island, Eskimo Island, and as it...

24 Q. Runs west of Eskimo Island?

25 A. Yes.

26 Q. I will make an arrow in black.

27 A. As the bow of the ship reaches the  
28 lee of Eskimo Island, and with the current on the stern,  
29 of course, immediately the ship starts to head for  
30 this island, and, as I say, the masters who haven't







1 been in there are a little bit nervous when that  
2 happens; although anybody that knows of this would put  
3 sufficient wheel on the opposite side to counteract  
4 this; but it is not really a dangerous spot.

5 Q. Are there any accidents?

6 A. No; there is plenty of water close to,  
7 and it just looks quite dangerous.

8 Q. Would you traverse the strait between  
9 Henrietta Island and the mainland at night?

10 A. You would now. When I was up there  
11 it wasn't often done, although one or two of the pilots  
12 did do it. But there were no lights in this narrows.  
13 They have since put lights on them and I imagine there  
14 would be no difficulty in traversing this at night.

15 Q. So there would be night navigation?

16 A. Oh, yes. After coming out of the  
17 narrows the waters are comparatively free of any  
18 dangers.

19 The only spot that could be considered  
20 dangerous is Laretto Shoal; this is marked with a buoy,  
21 and the reason that it got its name is because the  
22 MISSION LARETO ran aground on this particular spot.

23 Q. Was that the only grounding?

24 A. That was the only grounding of any  
25 consequence, that I can recall.

26 Q. What about the buoy up there -- was  
27 that constantly lighted and in position?

28 A. It was not lighted when I first went up  
29 there. There were no lighted buoys; they were all  
30 spar buoys. But during the 1953 season we changed the





1 spar buoys to lighted buoys, and this buoy was lighted.

2 Q. And are there, say, between Lareto Shoal  
3 to Goose Bay Narrows any significant dangers to  
4 navigation, or difficulties?

5 A. Nothing at all, until you get down close  
6 to Apinette Point. There is a buoy at Apinette Point  
7 and this is not shown as a lighted buoy, but it is a  
8 lighted buoy now.

9 You come down there and haul the vessel on  
10 Brule Point ranges.

11 Q Are there any currents across the  
12 entrance?

13 A. Not down in this particular area --  
14 not on the ranges -- when you get down to turn the buoy.

15 Q. And would there be any tides of any  
16 magnitude there?

17 A. No; the rise and fall of the tide would  
18 not be more than two and a half feet; but when you get  
19 down on the Brule ranges to make the turn on to the other  
20 ranges -- I have forgotten the names, now -- I can't  
21 remember -- when you start around that buoy on to the  
22 other ranges quite often there is quite a bit of tide  
23 on this corner.

24 Q. Circled in black.

25 A. This buoy will quite often be partially  
26 under water; I would imagine it runs two to three knots.

27 Q Have there been any casualties at  
28 that turn?

29 A. No, there have been no casualties at  
30





1 that turn.

2 Q. Now you are on the inside ranges, and  
3 on the inside ranges...

4 A. These ranges lead you through Sandy Point  
5 Channel, sometimes referred to as Goose Bay Channel.

6 THE CHAIRMAN: I see by the chart it is  
7 rather shallow there.

8 THE WITNESS: This chart -- we have had no  
9 correction to it -- but it was dredged out, or blasted  
10 out, I should say, to twenty seven feet; and I might say  
11 the Americans did appropriate money last year to dredge  
12 the Sandy Point Channel and the Terrington Basin Channel.  
13 This Channel (indicating) has not yet been dredged out...

14 Q. The Goose Bay Channel?

15 A. The Goose Bay Channel; but I assume that  
16 they will continue with the work this year; and they plan  
17 to dredge a three-hundred foot channel to thirty six feet.

18 Q. Any groundings ever occur in this channel?

19 A. We have had reports of touchings there,  
20 but nothing of any consequence, no.

21 Q. We are now inside Goose Bay.

22 A. After clearing the Sandy Point Channel  
23 and entering Goose Bay there are two buoys, one off  
24 the entrance to Hamilton River and the other off Rabbit  
25 Island. These, of course, are lighted buoys now, and  
26 it is a bit narrow there, but there is no difficulty  
27 whatsoever.

28 Q. There is no current of any significance?

29 A. No currents of any significance. At  
30







1 any spot in past Sandy Point Channel down you have not  
2 more than half a knot of current at any time.

3 MR. JACQUES: Now, I should like to file  
4 Terrington Basin Chart 47-22 as Exhibit 1204.

5 ---EXHIBIT No. 1204: Terrington Basin Chart  
6 47-22.

7 THE WITNESS: The Terrington Narrows,  
8 entering Terrington Basin, which is where the port of  
9 Goose Bay is situated, shows on this chart at 31 feet,  
10 but it has been dredged and was dredged in 1953 to  
11 36 feet and a width of 300 feet; so there is no great  
12 difficulty in making the entrance at the present time;  
13 it had been silted up completely prior to this time.

14 Q. Any evidence of silting now?

15 A. I think that it will always continue  
16 silting because of the Goose River running out right  
17 opposite to that channel, and this carries down the  
18 silt.

19 Q. There is a caution on the chart which  
20 reads as follows:

21 "Owing to changing conditions the  
22 buoys are moved to mark the best channel."

23 A. This is true.

24 Q. They move the buoys sometimes...?

25 A. Every spring when the harbour master goes  
26 up there one of the jobs he does is that he usually goes  
27 out with the pilots and they sound all these channels  
28 by hand lead and they usually, if possible at that time,  
29 place the buoys in line so that there is no shore  
30 protruding into the channel; but this year they should





1 have no difficulty there since it has been dredged.

2 After entering the Terrington Basin the  
3 main dock is the R.C.A.F. wharf. The main part of this  
4 dock is 810 feet long so that you can put two ships  
5 in there with a slight overhang, which is quite often  
6 done; and at the south eastern end of the dock is a  
7 small petroleum wharf where smaller tankers dock.  
8 Quite often this is where the tankers come in that  
9 bring in the heating oil. Also, when I was up there,  
10 they were bringing in quite a bit of asphalt in tankers,  
11 and they brought this directly to the main petroleum  
12 products dock -- or, perhaps, I shouldn't call it a  
13 dock -- to a submarine oil line which runs out into  
14 Terrington Basin; the tankers come in and usually turn  
15 in the basin and go starboard side to where they pick up  
16 buoys that are marked here on the chart and tie up to  
17 these mooring buoys and pick up the end of the oil line  
18 and pump their oil out.

19 Of course, at one time they did bring in  
20 large tankers in Lake Melville and they ran a shuttle  
21 service because of the depth of water in the Sandy  
22 Point Channel and discharged on these small shuttle  
23 tankers. Obviously, with the dredgning being done  
24 their intention is to bring the large tankers right  
25 into the oil line.

26 There is another wharf which has been built  
27 and this is called Government Wharf. There is a  
28 regular freight service into Goose Bay by the CNR  
29 running both in there, and there are quite a number of  
30





1 other ships, of course, go in and out this government  
2 wharf.

3 Q. How long would it take to take a ship  
4 in if you didn't have any equipment on the ship?

5 A. The distance is 94 miles. It would  
6 depend on the speed of the vessel. 7 or 8 hours is  
7 the usual time.

8 Q. And what is the type of the majority of  
9 the vessels which you are taking in?

10 A. Well, when I was up there the type there  
11 would be there at that time were victory ships and tankers.  
12 These were the largest ones.

13 We also had a number of cement ships which  
14 could be of any length. They were usually foreign  
15 ships running from Antwerp. But those changed, and I  
16 would say the majority of the ships running in there now  
17 are tankers and the coast boats.

18 Q. Would the statistics which you have  
19 prepared show the tonnages of the vessels trading there?

20 A. We can get that, but I don't have anything  
21 like that prepared.

22 Q. When does the season open?

23 A. I beg your pardon. I think there is  
24 on this report. I don't know whether there is the  
25 tonnage. This might give the Commission some idea of  
26 the type of work. This is a list of the ships entering  
27 Goose Bay last season. There were 126 last year.

28 MR. JACQUES: I should like to file as  
29 Exhibit 1205 a document entitled "Shipping Data for  
30









1 the Port of Goose Bay, Labrador, Season 1963," and  
2 also for 1962.

3  
4 --- EXHIBIT No. 1205: Two documents showing  
5 shipping data for the port  
6 of Goose Bay, Labrador,  
7 for the seasons 1962 and  
8 1963.

9 Q. What would you say is the trend in the  
10 volume of traffic now? Is it on the increase, the  
11 decrease, or is it steady?

12 A. I would have said it was on the decrease,  
13 and it is to a slight degree, but not really as much  
14 as I had thought; for the last few years it has remained  
15 fairly static.

16 Q. And when does the season open?

17 A. The first ship comes in around about  
18 this afternoon -- about this time of the year, in June.

19 Q. The first week in June?

20 A. Yes.

21 Q. And when does the season end?

22 A. About the 20th of November.

23 Q. Would the pilots be paid on a 12-months  
24 basis or on a seasonal basis?

25 A. They are paid on a seasonal basis.

26 Q. And what else do they do during the year,  
27 do you know?

28 A I wouldn't know; they are not employed by  
29 the Department.  
30





1 Q. They are not employed by the Department?

2 A. No.

3 Q. Would the same man come back year  
4 after year?

5 A. They have been. One of the pilots  
6 up there has been there -- in fact he started piloting  
7 the year I went up there, 1953. He is still there.  
8 He is going back. He is back there this year.

9 COMMISSIONER SMITH: Captain, I know of  
10 the preponderance of importance of Goose Bay to the  
11 U.S., but what is the importance from the Canadian  
12 point of view in that locality and furthermore there  
13 is a potential power development at Hamilton Falls.  
14 Has that increased the importance of the port, so far  
15 as Canada is concerned?

16 A. It will, yes. This will obviously be  
17 the port for Hamilton, any development in Hamilton Falls.  
18 The only importance that I can see, as far as Canada  
19 is concerned, other than military, is the fact that  
20 now there is a town there, the Hamilton River Settlement  
21 which I imagine would be of four or five thousand people.  
22 Most of those -- practically all of those people work  
23 on the base in some capacity so of course it is important  
24 to supply those people as well as the base.

25 COMMISSIONER SMITH: The base is U.S.?

26 THE WITNESS: It is a joint U.S. and  
27 Canada. One side of the base is Canadian and the  
28 other side is U.S.

29 MR. JACQUES: Q. What would be the  
30 home of your pilots?







1 A. Most of them are from Newfoundland.  
2 George's Brook, Newfoundland is the address of one  
3 and I think Carlingdon is the address of the other.

4 Q. Would you care to add anything to  
5 what you have said about the work of the pilot in  
6 Goose Bay?

7 A. Well, as I stated before I did some  
8 piloting when I was up there. I didn't get paid for  
9 this so obviously this wasn't very bright of me and  
10 the reason I got into pilotage was mostly because  
11 of the lack of communications.

12 When I was up there there was no way  
13 of contacting the pilot once he left Goose Bay. We  
14 tried radio equipment but this was only portable  
15 and once the pilot was out there we couldn't arrange  
16 for him to get back in or tell him which ship to take  
17 or anything so quite often we were in trouble because  
18 the ship that he was supposed to wait for, he would  
19 take the one before when he was supposed to let that  
20 one go by, so quite often a ship that wanted work on  
21 with material that had to get immediately on the  
22 base was left outside, and this is how I became a  
23 Goose Bay pilot; trying to help them out. I went  
24 out and brought the ship in and I also did most of the  
25 movages, I would say. That is, moving them in from  
26 anchor alongside the dock or taking them away to anchor  
27 because there were no other pilots available. They  
28 were quite often either going up or down the Lake or  
29 waiting out at Rigolet.

30 Q. Would there be a tugboat available to







1 assist in docking those vessels?

2 A. At the present time they have two  
3 LCM's up there. They are powered by a 450 horsepower  
4 and they assist the tankers turning and so on.

5 Q. Would you tell us whether all ships  
6 use the services of pilots?

7 A. All ships do not.

8 Q. What proportion of those would use  
9 pilots?

10 A. The payment is not compulsory, and, well,  
11 as an example, in 1961 153 ships entered port and  
12 there were 105 trips made by the pilots. In 1962,  
13 116 ships entered port and there were 81 trips by  
14 the pilots.

15 THE CHAIRMAN: When you say "trips",  
16 that is in and out?

17 THE WITNESS: No, that is in or out.  
18 Each trip is one way.

19 MR. JACQUES: Q. Would that include  
20 movages?

21 A. This would not include movages.

22 Q. Just straightforward in and out?

23 A. In or out. In 1963, 121 ships entered  
24 port and 97 trips were made by the pilots. I have  
25 others here if you wish them.

26 THE CHAIRMAN: So just about half the  
27 ships will take pilots?

28 THE WITNESS: Less than half, My Lord.  
29 About 25% would be closer to it, perhaps 30% but a  
30 lot of those ships that you will see listed are CNR, quite





1 a number, and there are quite a few coast boats.

2 MR. JACQUES: Q. Would you have  
3 any other information concerning Goose Bay?

4 A. I may say the average number of ships  
5 during the last 12 years worked out to be 144 ships  
6 per season.

7 Q. And out of which, how many are piloted?

8 A. I haven't worked that out. This  
9 is just an average over 12 years.

10 MR. LANGLOIS: How do the pilots  
11 get from Goose Bay and Rigolet?

12 THE WITNESS: This is done by aircraft  
13 when it is necessary. To get from one place to  
14 another we use aircraft to do it, or sometimes when  
15 it is reasonable they can go perhaps on the pilot  
16 boat or a boat, if we have time enough. If it is of  
17 an urgent nature they are moved by aircraft.

18 THE CHAIRMAN: The pilot boat is  
19 stationed at Rigolet?

20 THE WITNESS: Whenever possible  
21 but quite often she is away doing work on the buoys  
22 or lights, servicing the lights, but she will be  
23 there for a period, three or four weeks at a time  
24 when the lights are working properly.

25 THE CHAIRMAN: Do the ships which  
26 arrive give an ETA?

27 THE WITNESS: They always do, certainly.  
28 I say always, I retract that statement. That is not  
29 true. Sometimes they just come in and stop and blow  
30 for a pilot.







1 THE CHAIRMAN: I suppose when they do  
2 that they take the risk of waiting quite a few days?

3 THE WITNESS: They do. There may not  
4 be any pilot there so anybody who is coming in there  
5 regularly will always send an ETA in plenty of time.

6 THE CHAIRMAN: This distance  
7 between Goose Bay and the boarding station is how much?

8 THE WITNESS: Ninety-two miles.

9 MR. JACQUES: Q. What sort of weather  
10 do you have up there during the season?

11 A. This certainly varies. From the  
12 first of the season it can vary from snowstorms to  
13 hotter than Ottawa in the middle of the summer.

14 Q. Any fog?

15 A. Yes, quite often out at Rigolet. The  
16 fog stops at Carrington Island. If you remember, it  
17 is in the narrows. It never seems to come in past  
18 Carrington Island.

19 Q. Would that prevent traffic from  
20 moving?

21 A. Oh yes, quite often, although less  
22 and less with radar now. Ships will come in through  
23 the narrows.

24 Q. With radar?

25 A. Ships that have known or have a pilot,  
26 they will come in through the narrows.

27 Q. Using radar?

28 A. Yes.

29 Q. Can you anchor almost anywhere on  
30 that run?







1 A. Not in those narrows.

2 Q. Not in those narrows?

3 A. I don't think the anchor would hold  
4 there. Ships do not as a rule anchor there. There  
5 is an anchorage just outside of the pilot station and  
6 they usually go there.

7 Q. So a ship going beyond the pilot  
8 station on an inward voyage is definitely committed.  
9 She has to go right through regardless of weather  
10 conditions?

11 A. I am sorry I missed -- on an inward  
12 voyage?

13 Q. On an inward voyage?

14 A. No, she can turn around and go back  
15 out to an anchorage. It is only a matter of some  
16 three or four miles from the pilot station to good  
17 anchorage.

18 Q. I see.

19 A. She is not actually stuck.

20 THE CHAIRMAN: We will now adjourn  
21 for a few minutes.

22 ---ADJOURNED AT 3:45.

23  
24 ---UPON RESUMING AT 4:00 P.M.

25 MR. JACQUES: There will be filed  
26 later on as Exhibit 1206 a statement giving the names,  
27 ages, certificates, experience and earnings of the  
28 Goose Bay pilots during the 1964 season. Would you  
29 like to have it for all those years?

30 THE CHAIRMAN: I would like to have it





1 for the last ten years to see the turnover, but just  
2 their names.

3 MR. JACQUES: The turnover of pilots  
4 in the last ten years.

5 COMMISSIONER SMITH: Mr. Jacques, you  
6 mentioned their earnings there. They are on straight  
7 pay?

8 MR. JACQUES: I understand they get  
9 a living allowance, Mr. Smith, and also pay and that  
10 will be added to the Exhibit, the pay and living  
11 allowance there or living bonus.

12  
13 ---EXHIBIT NO. 1206: Statement concerning earning,  
14 names, ages and experience of  
Goose Bay pilots (to be filed).

15 THE CHAIRMAN: Monthly pay for how  
16 many months per year?

17 THE SECRETARY: The statistics per-  
18 taining to pilots' earnings will be for the last three  
19 years.

20 THE CHAIRMAN: That is all right, the  
21 last three years. We will see the increase which has  
22 been given for the last three years.

23 MR. LANGLOIS: Are they prevailing rate  
24 employees?

25 THE WITNESS: They are prevailing  
26 rate employees.

27 MR. LANGLOIS: Were not the natives,  
28 the Eskimos, doing piloting for a while in Goose Bay?

29 THE WITNESS: There was one man who  
30 was a native up there off Goose Bay, Russell Chaulk was





1 his name. He was the first pilot actually during the  
2 War and he was employed a bit later on by the R.C.A.F.  
3 and then in 1952 he was employed by the Department  
4 when it became a public harbour. He died in 1962.

5 MR. LANGLOIS: Are there any indications  
6 that traffic to Goose Bay would increase with the  
7 development of Hamilton Falls?

8 THE WITNESS: I could not actually  
9 say but I can imagine that probably it might decrease  
10 rather than increase.

11 MR. LANGLOIS: How can you explain  
12 that?

13 THE WITNESS: Well, in 1952, 1953,  
14 1954 and 1955 Goose Bay was being made a permanent  
15 base and all of the old barracks buildings that had  
16 originally been put up there were torn down and  
17 permanent buildings were put up. In 1955 this was  
18 turned over as a SAC base and this was used mostly  
19 for these planes of the Strategic Air Command planes.

20 The changing picture in the world  
21 today has certainly lessened the necessity for this  
22 as a SAC base and I would imagine that it would  
23 decrease the number of personnel and so on, that is  
24 the U.S. personnel would decrease and now it is  
25 basically a matter of supplying so as it decreases,  
26 I would imagine that the number of ships would lessen  
27 going in there.

28 It is possible, of course, that this  
29 Hamilton River development and various other things  
30 might boost it up or might keep it the same as it is now.









1 Q. What will be the status of Goose Bay  
2 when Part 6 is proclaimed in Newfoundland?

3 THE CHAIRMAN: This is a good question.  
4 It is in Newfoundland.

5 THE WITNESS: Unless it is declared  
6 a District, it will remain the same as it is now.

7 MR. JACQUES: Q. Any thought of  
8 creating a local Commission or a local Authority,  
9 I should say?

10 A. I have no knowledge of it.

11 CAPTAIN SLOCOMBE: I can say I would  
12 not suggest any change, My Lord.

13 THE CHAIRMAN: Thank you very much,  
14 Captain Seeley.

15 CAPTAIN SEELEY: Thank you.

16 MR. JACQUES: Sir, this closes the  
17 witnesses which I had planned to bring up before the  
18 Commission at this time.

19 THE CHAIRMAN: Thank you. I think  
20 Mr. Langlois now has a few witnesses with regard to  
21 the Imperial Oil brief.

22 MR. LANGLOIS: Yes, My Lord. The  
23 first witness will be Captain Cobham.

24 R. V. COBHAM, Recalled

25 DIRECT EXAMINATION BY MR. LANGLOIS:  
26

27 Q. Captain Cobham, I understand that  
28 you have read the evidence, adduced in Toronto before  
29 the Royal Commission, of Captain Kelly of Imperial Oil  
30 Limited in support of their brief. What comments, if





1 any, do you have to make on this evidence?

2 A. Well, the only comment I have on his  
3 evidence, he said that compulsory payment of pilotage  
4 in the port of Saint John or the reason was that where  
5 they have to pay pilotage in the port of Saint John  
6 that they might get something for their money, if I  
7 remember that was his words. Compulsory pilotage --  
8 pilotage was not compulsory for Imperial Oil ships  
9 in our port.

10 Q. Do they use pilots?

11 A. All the time.

12 Q. Mention was made by Captain Kelly  
13 in regard to the use of Courtney Bay?

14 A. Yes.

15 Q. And by their ships and has it come  
16 to your knowledge that Imperial Oil ships have gone  
17 in to Courtney Bay without pilots?

18 A. Not the type of ships they have going  
19 there today.

20 Q. When they used to have smaller tankers  
21 before, were they using pilots?

22 A. In thick weather.

23 Q. In thick weather?

24 A. Yes.

25 THE CHAIRMAN: We heard from Captain  
26 Quinn this Company was the one which made the rule of  
27 two hours prior to high water.

28 THE WITNESS: That is correct.

29 THE CHAIRMAN: This is what you  
30 followed later on? You have had previous experience





1 with these ships?

2 THE WITNESS: Yes, we have extended  
3 their time half an hour or so, three hours flood and  
4 two and a half ebb.

5 MR. LANGLOIS: Q. Do they experience  
6 the same difficulties as those experienced by Irving  
7 Oil during the freshet season?

8 THE CHAIRMAN: When you say "Irving  
9 Oil", do you mean the bulk carrier or do you mean the  
10 Irving tankers such as the GLEN and the other one?

11 MR. LANGLOIS: I mean the bulk  
12 carriers.

13 THE CHAIRMAN: Carrying crude oil?

14 THE WITNESS: They are a different  
15 kind of ship.

16 THE CHAIRMAN: They are more  
17 manoeuvrable?

18 THE WITNESS: They are very  
19 manoeuvrable.

20 THE CHAIRMAN: Like the GLEN and the  
21 other one?

22 THE WITNESS: Yes, that is right.

23 MR. LANGLOIS: Q. Have you anything  
24 else to add?

25 A. No, I have nothing to add.

26 MR. LANGLOIS: Thank you, Captain.

27 THE CHAIRMAN: Thank you, Captain.

28 MR. LANGLOIS: I will call Captain  
29 D. F. Ryan from Sidney.  
30







DIRECT EXAMINATION BY MR. LANGLOIS:

Q. Captain Ryan, have you read the evidence adduced in Toronto by Captain Kelly of Imperial Oil in connection with their brief?

A. Yes, sir.

Q. Do you care to comment on this evidence in regard to Sydney?

A. Up until the present time Imperial Oil has always employed pilots in Sydney and in reading over their brief I noticed the only reference they made to Sydney was to include it in the list of ports where they consider pilotage unnecessary for coasting tankers.

We do not agree with that for the following reasons.

Coasting tankers today are increasing in size much above what they were in pre-War days. As a matter of fact they have a proposed new coasting tanker building now of 80,000 barrels.

At times there is congestion due to the amount of ships that are there and which from one week to another can change. We contend any Master, no matter how familiar he is with the port, cannot be familiar with the conditions which change from day to day.

Last year we had nearly six million net ton of shipping. Also due to the inflammable nature of the cargo, extra precaution should be taken. In the past Imperial Oil Company have on occasion requested and used towboats due to difficult conditions





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Ryan, dir  
(Langlois) 17132

1 at times.

2 I also read in their brief where they  
3 stressed the necessity of pilots for ocean tankers  
4 and strangers. By this they admit pilotage is  
5 essential. We contend that pilots cannot exist  
6 if they are only going to be employed by strangers  
7 and dispensed with when their services, as soon as  
8 he becomes acquainted with the port.





1 THE CHAIRMAN: It is a question of  
2 finance?

3 THE WITNESS: Yes, My Lord. We figure  
4 if they admit the necessity for pilots they should be  
5 prepared to contribute towards them.

6 THE CHAIRMAN: Yes. This is the  
7 philosophy that means that is a service has to be  
8 maintained the users of ports have to pay for it to  
9 maintain it.

10 THE WITNESS: Yes, My Lord. We have  
11 had cases down there where there are small tankers --  
12 by this I do not mean Imperial Oil -- we have some  
13 small tankers; if there is a nice fine day they do  
14 not take them; if it is not fine or snowing or fog  
15 they will call for a pilot.

16 We contend those ships should support  
17 the port. They expect to have a pilot when they want  
18 him. Well, the rest of the time we contend they  
19 should help to support the port because the pilots are  
20 available and they use them on occasion. By this I  
21 do not mean Imperial Oil. Up until now they have  
22 used it completely.

23 MR. LANGLOIS: Q. Are you referring  
24 to Canadian flag coastal tankers?

25 A. Yes. By that I mean mostly Irving  
26 Oil tankers, the small ones. On a fine day they do  
27 not take them. At nighttime or in bad weather they  
28 employ a pilot. But Imperial Oil has always taken them  
29 up and down.

30 Q. Yesterday you stated that Dosco had made







1 it compulsory for ships to use tugs at their docks. And  
2 you mentioned that one of them was a bunker dock. Would  
3 that be one of these docks used by Imperial Oil tankers?

4 A. No, sir, that is the Nepco dock.

5 Q. That is the New England Petroleum  
6 Company Limited?

7 A. Yes, the New England Petroleum Company.  
8 The other side of the Iron Ore dock is the bunker dock  
9 for Nepco. Also at the government wharf where the  
10 Imperial tankers go practically all the time there is  
11 considerable congestion there at times and any ship  
12 going up there at nighttime, see, he does not know  
13 what the hell is going on, on a ship -- that you have  
14 to anchor and wait until the berth is clear. A Master  
15 coming in on his own would have no previous knowledge  
16 of that and he would be in tight quarters because they  
17 were up there. This is way up where the river is  
18 getting narrow.

19 Q. What is the size of the larger tanker?

20 A. The coastal tanker?

21 Q. The largest one I believe is the  
22 IMPERIAL SARNIA?

23 A. Yes, sir, roughly about 75,000 tons.  
24 But this proposed new coasting tanker they are starting  
25 would be, I would say, 80,000 barrels -- would be  
26 roughly a 13,000 ton tanker. This was the size of  
27 ocean tankers a few years ago.

28 Q. Would you have anything else on hand,  
29 Captain Ryan?

30 A. No, not on that.





Ryan, dir  
(Langlois) 17135

1 MR. LANGLOIS: Thank you, sir.

2 THE CHAIRMAN: Thank you, Captain.

3 (The Witness withdrew)

4

5 CAPTAIN S. T. GATHERAL, Recalled

6 THE SECRETARY: You were sworn in this  
7 morning, Captain. You will be under the same oath.

8 THE WITNESS: Yes.

9 DIRECT EXAMINATION BY MR. LANGLOIS:

10 Q. Captain, I show you here a letter  
11 which was addressed to me from you dated at St. John's,  
12 Newfoundland, May 29th in regard to the evidence  
13 adduced in Toronto by Captain Kelly of Imperial Oil.  
14 Would you care to tell me whether this position  
15 represented the views of your pilots?

16 A. Yes, it did.

17 MR. LANGLOIS: My Lord, may this  
18 letter be filed as Exhibit?

19 THE SECRETARY: 1207, I believe. Yes,  
20 sir.

21 ---EXHIBIT NO. 1207: Letter dated 29th May from  
22 Captain Gatheral to Mr. Langlois.

23 MR. LANGLOIS: Q. Are the facts  
24 outlined in this letter to your personal knowledge  
25 and can you vouch for them?

26 A. Yes, sir.

27 MR. LANGLOIS: My Lord, Captain Gatheral  
28 informs me that this memorandum was prepared by Captain  
29 Hancock, his secretary.  
30







1 Q. Is he still the secretary?

2 A. No, sir.

3 Q. The former secretary?

4 A. He was the secretary last year.

5 MR. LANGLOIS: And I am filing this  
6 memorandum under the reservation, My Lord, that should  
7 the facts as outlined in this letter be discussed or  
8 put into doubt or dispute by Imperial Oil Limited,  
9 Captain Hancock will be called as a witness to testify.

10 THE CHAIRMAN: That is right. We will  
11 meet the Imperial Oil people next Monday anyway and  
12 we will decide then. We will not write to them  
13 because we are going to meet them anyway on Monday.

14 MR. LANGLOIS: My Lord, it will be  
15 next Monday, the 22nd -- two weeks from today.

16 THE CHAIRMAN: We will meet them  
17 next Monday.

18 MR. LANGLOIS: Oh, I see, at Toronto.

19 THE CHAIRMAN: In Toronto.

20 MR. LANGLOIS: Q. Do you have any  
21 further comments to offer in this connection, Captain  
22 Gatheral?

23 A. There are a couple of more things I  
24 would like to mention that we did not include in that  
25 brief. During the War the Royal Canadian Navy and  
26 the British Navy had a lot of ships running there and  
27 they had their own pilots. There is one more thing.  
28 The lights in the background obscure the ships leaving  
29 the port in the nighttime so another ship going in,  
30 it would be quite easy for him to be in the entrance







1 before he would be able to see. He could be very close  
2 to another ship in the entrance before he would see  
3 the lights of another ship coming out if he did not  
4 have no fore-knowledge of the ship's coming.

5 THE CHAIRMAN: And in the narrows of  
6 the harbour there is no traffic control at present?

7 THE WITNESS: No, sir, none at all.

8 MR. LANGLOIS: Q. Any traffic control  
9 will have to be done by the pilots themselves?

10 A. By the pilots themselves.

11 COMMISSIONER SMITH: Has there ever  
12 been an accident in the narrows?

13 THE WITNESS: No. We had a couple of  
14 close ones. It is stated in that brief, My Lord.

15 THE CHAIRMAN: I think we have evidence  
16 of that also.

17 MR. LANGLOIS: Q. There was a warship  
18 that ran aground in the War, the ST. FRANCIS, was there  
19 not?

20 A. Not in the entrance. The only one  
21 I remember in the entrance there in the 20 years is that  
22 there was one Iceland trawler. The steering gear gave  
23 out. That happened maybe four or five years ago. That  
24 is the only one that I can remember.

25 MR. LANGLOIS: Thank you, Captain.

26 (The Witness withdrew)

27 THE CHAIRMAN: So this concludes the  
28 first part of the Ottawa hearings, which we are going  
29 to resume in Ottawa here on Monday the 14th day of  
30 September. This is to finish up the review of all





1 matters of all the other places; that is, the St.  
2 Lawrence and the Great Lakes. We are going to meet  
3 next time in Toronto next Monday, the 15th June, to  
4 finish up the Great Lakes area. Of course, when we  
5 finish our Toronto hearing there will be only the  
6 Ottawa hearing left to be done.

7 MR. JACQUES: If I might say, My Lord,  
8 the sequence which I suggest should be followed during  
9 the September session would be from Escoumains west  
10 to the Lakehead and then matters of general interest.

11 THE CHAIRMAN: We have tried for  
12 the Ottawa hearing the method you have found and I  
13 think it is the only method that really works. The  
14 Commission staff is going to work on the questions  
15 for the September hearing and these questions -- of  
16 course, the work involved is very great. It means  
17 the reading of the transcript, and we have quite a  
18 few, and all the Exhibits, and we have quite a few,  
19 for the St. Lawrence and the Great Lakes. So therefore  
20 whenever a place is finished a list of questions is  
21 going to be sent to the D.O.T. and also will be sent  
22 to all the lawyers concerned.

23 I would appreciate if the counsel have  
24 anything to add they should furnish us also with a  
25 series of questions. Otherwise the Department will  
26 say: "We will check that tomorrow," and this would delay  
27 us very much.

28 MR. JACQUES: When we receive your  
29 questions we will transmit them to the D.O.T. so they  
30 can prepare.





1 THE CHAIRMAN: That is right. So  
2 it will be Monday in Toronto.

3

4 ---WHEREUPON THE HEARING WAS ADJOURNED UNTIL MONDAY, THE  
5 15th DAY OF JUNE, 1964 AT 10:00 A.M. AT TORONTO,  
6 ONTARIO.

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